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An Assessment of the Impact of Majority Political Groups on Overview and Scrutiny in Local Government.

Paul Michael Hopkins.

PhD.

2007.

Contents.

	Page Number.
Tables and Diagrams.	6
Appendices.	7
Acknowledgements.	8
Author's Declaration.	9
1. Introduction.	10
1.1. The Context.	10
1.2. Structure of the Thesis.	
2. The Emergence and Establishment of Overview and Scrutiny within Local Authorities in the UK.	15
2.1. Introduction.	15
2.2. 'Localism'.	16
2.3. Local Government and Democracy.	18
2.4. Local Government and the New Right.	21
2.5. Local Government Under New Labour.	23
2.6. Reforming Political Structures.	25
2.7. The Legislation – Local Government Act 2000.	28
2.8. Overview and Scrutiny systems.	33
2.9. Resourcing the Scrutiny Process.	39
2.10. Overview and Scrutiny Roles.	43
2.11. The 'Culture' of Councils.	57
2.12. The Impact of the Party Group System.	60
2.13. Councillor Motivations and Involvement.	71
2.14. The Role of the Overview and Scrutiny Member.	75
2.15. Summary.	78
3. Methodology.	82
3.1. Theoretical Approaches.	82
3.2. Designing the Research.	86
3.3. Qualitative and Quantitative Methods; A Combined Approach.	97
3.4. Identifying Case Study Authorities.	105
3.5. Analysing the Data.	116
3.6. Reflections on the Research Process.	121
4. Local Authority A.	126
4.1. Setting the Scene.	126
4.2. The Views of the Political Groups.	130
4.3. The Role and Work of Scrutiny.	140
4.4. Leading the Scrutiny Process.	143
4.5. Relationship with the Executive.	144
4.6. Conclusions.	148
5. Local Authority B.	150
5.1. Setting the Scene.	150
5.2. The Context of the Authority.	154
5.3. The Views of the Political Groups.	155
5.4. The Impact of Policy Development and Review	160
5.5. Challenging Decisions.	162

5.6. Leading the Scrutiny Process.	164
5.7. The Relationship with Cabinet.	166
5.8. Conclusions.	167
6. Local Authority C.	171
6.1. Setting the Scene.	171
6.2. The Context of the Authority.	176
6.3. The Views of the Political Groups.	176
6.4. Structural Issues.	183
6.5. Chairing the Scrutiny Process.	188
6.6. Cabinet Influence on Scrutiny?	189
6.7. Conclusions.	191
7. Local Authority D.	194
7.1. Setting the Scene.	194
7.2. The Context of the Authority.	198
7.3. The Views of the Political Groups.	199
7.4. The Work of Scrutiny.	206
7.5. The Role of the Chairs.	211
7.6. Conclusions.	215
8. Local Authority E.	217
8.1. Setting the Scene.	217
8.2. The Context of the Authority.	222
8.3. The Views of the Political Groups.	222
8.4. The Role of Scrutiny.	227
8.5. Understanding of Scrutiny.	230
8.6. Moving to No Overall Control.	233
8.7. Conclusions.	239
9. Key Findings.	242
9.1. The Majority Group and the Scrutiny Process.	242
9.2. Chairmanships and Scrutiny Systems.	250
9.3. Scrutiny and Traditional Group Practices and Behaviour.	254
9.4. The Role of Scrutiny within the Council	261
9.5. What impact does 'Culture' have on the Scrutiny process?	271
9.6. Is the Type of Authority a Factor in the Success of the Scrutiny process?	285
9.7. What Makes the Scrutiny Process 'Successful'?	289
9.8. What Limits the Effectiveness of Scrutiny?	293
9.9. Has Scrutiny Changed the Role of the Elected Member for the Better?	296
10. Concluding Thoughts.	301
10.1. The Majority Group and Scrutiny – Conclusions.	301
10.2. The Scrutiny Research Agenda.	308
10.3. Postscript.	310
Bibliography.	316
Appendices.	324

Abstract.

This thesis is a comparative analysis across five Overview and Scrutiny systems within Local Authorities in the North of England. Its aim was to assess the impact and role of the majority political group on the overall system of Scrutiny.

The research found that the role of the majority group was the single largest determining influence on the success of Overview and Scrutiny. From the five case study Authorities, it was clear that barring exceptional circumstances (that facilitated an open and amenable attitude towards an independent Scrutiny process) majority groups sought to channel the process and control Scrutiny as much as possible.

Majority political groups appeared to be unwilling to allow the process to scrutinise their actions, for a multitude of different reasons. They also resented somewhat an independent process that could forward recommendations onto a policy agenda they felt they had a right to control. Therefore, they used their power as the major group to filter the process so that only outcomes they found acceptable came to be accepted as part of Council policy.

In other cases, they sought to ensure that minimal outcomes emerged from the Scrutiny process. With a majority, they were under no obligation to consider its views anymore than they felt necessary and consequently it led to much dissatisfaction amongst members within the process, particularly those from opposition groups.

At the crux of the issue appeared to be many experienced leading members who wished to retain as much control and power as possible. They appeared uneasy with allowing an independent process of any kind within the Authority, particularly one with the capacities and potential role that Scrutiny possesses.

Devoid of a leadership perspective that understood and accepted the role of Scrutiny, it was only when a system was accustomed to a collaborative approach or was heavily populated with one particular perspective did the leading group appear willing to allow Scrutiny to remain completely independent.

The process of Scrutiny unquestionably benefits when an opposition perspective is allowed to lead Scrutiny. The research demonstrated how a process that moved from majority group to opposition group control improved significantly in terms of independence and in terms of its outcomes. However, this practice appeared limited across Local Authorities, with the fear of majority groups greatly limiting the development of strong and independent Scrutiny processes.

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A thesis submitted in partial fulfilment of the requirements of
the University of Northumbria at Newcastle for the degree of
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Contents.

	Page Number.
Tables and Diagrams.	6
Appendices.	7
Acknowledgements.	8
Author's Declaration.	9
1. Introduction.	10
1.1. The Context.	10
1.2. Structure of the Thesis.	
2. The Emergence and Establishment of Overview and Scrutiny within Local Authorities in the UK.	15
2.1. Introduction.	15
2.2. 'Localism'.	16
2.3. Local Government and Democracy.	18
2.4. Local Government and the New Right.	21
2.5. Local Government Under New Labour.	23
2.6. Reforming Political Structures.	25
2.7. The Legislation – Local Government Act 2000.	28
2.8. Overview and Scrutiny systems.	33
2.9. Resourcing the Scrutiny Process.	39
2.10. Overview and Scrutiny Roles.	43
2.11. The 'Culture' of Councils.	57
2.12. The Impact of the Party Group System.	60
2.13. Councillor Motivations and Involvement.	71
2.14. The Role of the Overview and Scrutiny Member.	75
2.15. Summary.	78
3. Methodology.	82
3.1. Theoretical Approaches.	82
3.2. Designing the Research.	86
3.3. Qualitative and Quantitative Methods; A Combined Approach.	97
3.4. Identifying Case Study Authorities.	105
3.5. Analysing the Data.	116
3.6. Reflections on the Research Process.	121
4. Local Authority A.	126
4.1. Setting the Scene.	126
4.2. The Views of the Political Groups.	130
4.3. The Role and Work of Scrutiny.	140
4.4. Leading the Scrutiny Process.	143
4.5. Relationship with the Executive.	144
4.6. Conclusions.	148
5. Local Authority B.	150
5.1. Setting the Scene.	150
5.2. The Context of the Authority.	154
5.3. The Views of the Political Groups.	155
5.4. The Impact of Policy Development and Review	160
5.5. Challenging Decisions.	162

5.6. Leading the Scrutiny Process.	164
5.7. The Relationship with Cabinet.	166
5.8. Conclusions.	167
6. Local Authority C.	171
6.1. Setting the Scene.	171
6.2. The Context of the Authority.	176
6.3. The Views of the Political Groups.	176
6.4. Structural Issues.	183
6.5. Chairing the Scrutiny Process.	188
6.6. Cabinet Influence on Scrutiny?	189
6.7. Conclusions.	191
7. Local Authority D.	194
7.1. Setting the Scene.	194
7.2. The Context of the Authority.	198
7.3. The Views of the Political Groups.	199
7.4. The Work of Scrutiny.	206
7.5. The Role of the Chairs.	211
7.6. Conclusions.	215
8. Local Authority E.	217
8.1. Setting the Scene.	217
8.2. The Context of the Authority.	222
8.3. The Views of the Political Groups.	222
8.4. The Role of Scrutiny.	227
8.5. Understanding of Scrutiny.	230
8.6. Moving to No Overall Control.	233
8.7. Conclusions.	239
9. Key Findings.	242
9.1. The Majority Group and the Scrutiny Process.	242
9.2. Chairmanships and Scrutiny Systems.	250
9.3. Scrutiny and Traditional Group Practices and Behaviour.	254
9.4. The Role of Scrutiny within the Council	261
9.5. What impact does 'Culture' have on the Scrutiny process?	271
9.6. Is the Type of Authority a Factor in the Success of the Scrutiny process?	285
9.7. What Makes the Scrutiny Process 'Successful'?	289
9.8. What Limits the Effectiveness of Scrutiny?	293
9.9. Has Scrutiny Changed the Role of the Elected Member for the Better?	296
10. Concluding Thoughts.	301
10.1. The Majority Group and Scrutiny – Conclusions.	301
10.2. The Scrutiny Research Agenda.	308
10.3. Postscript.	310
Bibliography.	316
Appendices.	324

Tables and Diagrams.

Chapter 2.

- 1 The Structure of the Committee System (p.26).
- 2 The aims of the democratic renewal project (p.30).
- 3 Comparison of ability to, and use of powers available to Scrutiny (2001-2003) (p.38).
- 4 Local pressures upon Overview and Scrutiny (p.59).
- 5 Advantages parties bring to Local Government (p.61).
- 6 Negative consequences of the party group system (p.62).
- 7 How political groups may react to Overview and Scrutiny (p.70).
- 8 Initial Reactions to the Proposals by Elected Members (p.73).
- 9 The role of a Councillor – traditional and modern typologies (p.76).

Chapter 3.

- 10 The authorities contacted for cooperation (June 2004) (p.106-107).
- 11 Authority coding in the research (p.109).
- 12 Interviews Conducted within each Authority (p.123)

Chapter 4.

- 13 Overview and Scrutiny Structures – Authority A (p.128).

Chapter 5.

- 14 Overview and Scrutiny Structure – Authority B (p.151).

Chapter 6.

- 15 Overview and Scrutiny Structure – Authority C (p.175).
- 16 Do members see Scrutiny as an opportunity to..? The Response of All Members in Authority C (p.181).

Chapter 7.

- 17 Overview and Scrutiny Structure – Authority D (p196.).
- 18 Which of the Following Works Well? The Response of Labour Members in Authority D (p.200).
- 19 What I say within Scrutiny is monitored by my party” and “I have not been instructed to, but feel I have to operate within party politics when in Scrutiny.” The Response of Labour Members in Authority D (p.209).

Chapter 8.

- 20 Overview and Scrutiny Structure – Authority E (p.219).
- 21 Proposed Overview and Scrutiny Structure – Authority E (p.220).
- 22 Proposed Scrutiny Organisation – Authority E (p.239).
- 23 Summary of Key Points across Case Study Authorities (p.241).

Chapter 9.

- 24 Factors that facilitate ‘successful’ Scrutiny (p.289).
- 25 Factors that contribute towards ‘weak’ Scrutiny (p.293).
- 26 Typology of Members within the Scrutiny Process (p.300).

Appendices.

1	The Final Questionnaire with Covering Letter.	324
2	Timeline for Conducting of the Research – by Individual Authority.	333
3	Topics Included on the Interview Guide and Why.	334-335
4	Complete list of questionnaire mailing dates.	336
5	Observation Schedule.	337
6	Case Study Authorities – Scrutiny Meeting Room Layout.	338-342
7	Categories used for Analysis in each Local Authority.	343-345

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The same for everyone who played a part over the past three years; too many to name, but I'll single out the main ones. So, particular thanks go to Craig, Keith, Liz, Rob, George, Vickie, Glenn, Jo, Denise, Amanda and Rebecca, who did loads to help, support and encourage me throughout the work and the research over the last three years. Same thanks go to my mum and dad.

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Declaration.

The work contained within this thesis has been conducted solely for the purpose of completing this research. It is the sole work of the researcher named on the cover. No other parts of the research have been submitted for any other award, or indeed have been published.

1. Introduction.

This thesis aims to provide a comprehensive description and analysis of the Overview and Scrutiny functions in several Local Authorities in the north of England. It was undertaken as part of a studentship jointly funded by Northumbria University and one of the Local Authorities under study¹.

1.1 The Context.

This thesis is located within a context of considerable change, reform and modernisation of Local Government in the United Kingdom over the last twenty years. Many of the new initiatives began with the premise that Local Government was a 'problem' that needed considerable reform.

For many years numerous Government-sponsored reports on Local Government had detailed the significant problems faced by local democracy (Maud, 1967, Widdicombe, 1986) while turnouts in local elections fell to rates that are the worst in Western Europe (Jones et al, 2000, p.486, Rallings and Thrasher, 1994). Local Government was seen as unresponsive and failing to provide strong leadership. Eighteen years of "*power politics*" from a Conservative Government (highly suspicious of Local Government) had left Local Government weak on accountability and transparency (Stoker, 1999, p.1). In 1997, the Labour Party returned to power, committed to 'modernising' Local Government.

Their 1998 White Paper '*Modern Local Government; In Touch with the People*' argued that reforming local political structures was central to improving local democracy. This was the first stage in a package of reforms that, in the Government's eyes, would provide Authorities with the structures to re-integrate

¹ This issue is addressed within Chapter Three.

them with their communities. However, it gradually became clear that the Government was only intending to provide the means to do this (through the Local Government Act 2000). It was left to Local Authorities to create the ends to do this, reflecting the Government's recognition of diversity within Local Government across the United Kingdom.

Stronger, accountable and transparent democratic processes were needed and the Government believed this would occur through high profile, streamlined decision-making (ODPM, 1998, p.9). However, this stronger Executive power required a counter-balance. These smaller Executives left the majority of elected members without a meaningful role. Consequently, the Government encouraged them to broaden their roles to become 'community Councillors' charged with re-engaging the Council with the people. In addition to this, these elected members were also given the right to scrutinise the decisions taken by the new Executives.

This role was broadened to give Overview and Scrutiny Committees the ability to develop policies and proposals as well as undertake a review of any matter of concern in the Local Authority. However, the rather vague remit given to Scrutiny Committees served to open up a whole range of opportunities for Scrutiny and its members, all of which offered the opportunity for a completely new way of working for elected members.

This thesis aims to make an original contribution to the understanding of Overview and Scrutiny in Local Government. The argument presented here has several principal aims.

- The thesis will evaluate the impact of majority party groups on Scrutiny and identify methods through which they interact with the process.
- It shall determine whether, in the view of elected members the role of Councillor has benefited from the creation of Scrutiny.
- The research shall also determine the impact of the culture of the Local Authority on Scrutiny.
- It will also identify the key factors for 'successful' and 'weak' Scrutiny.

Investigating these research questions benefits greatly from the insight and knowledge gained from personal involvement in Scrutiny that was allowed by the joint-studentship. This proved hugely beneficial and gave an opportunity to gain a more grounded understanding and explanation of the mechanics of Scrutiny. In particular the experience allowed the researcher to work alongside Local Authority officers and elected members and gain a more holistic appreciation of the underlying tensions and practices in the Scrutiny process.

1.2. Structure of the Thesis.

There are six main sections in the thesis.

- 1) After the introduction, the thesis considers and critically analyses the existing literature and evidence base. Since Scrutiny itself is still relatively new, research has tended to emphasise the dissemination of good practice and 'what works' amongst Local Authorities. Therefore, the opportunity existed to identify issues that could be informed by more detailed research. The literature review discusses the current progress of Scrutiny across the UK and identifies these key factors. This contextualising of the research was assisted by the experience and knowledge gained from working within

a Local Authority and being exposed to a wider network of Scrutiny practitioners.

- 2) The methodological approach is then outlined. After a consideration of the relevance of the inductive approach, the chapter further considers the qualitative and quantitative methods adopted. The research process is then outlined from initial access being sought within suitable Authorities, through to its completion within each of the case study Authorities. The methodological challenges and opportunities that emerged throughout the research are also identified.
- 3) The thesis then presents the background and present context in each of the case study Authorities. It was felt important to provide some background and structural description for each Council since this would provide a clear context against which to consider the views articulated by elected members during the research.
- 4) The following section considers the findings (within each of the Local Authorities) in light of the research questions. Subsequently, the findings are compared across the examples to draw key conclusions about the nature, success and failings of Scrutiny under majority group systems. The overall research experience is used to consider whether elected members feel they are better placed to achieve their personal goals as local representatives under the Scrutiny experience.
- 5) The thesis then presents its final considerations on the findings and assesses where this research has left current knowledge regarding Overview and Scrutiny in the United Kingdom.

- 6) The thesis concludes with a postscript that also considers the October 2006 Local Government White Paper '*Strong and Prosperous Communities*'.

It is hoped that this thesis will not only contribute to the emerging research agenda on the new political arrangements, but will be of use to Local Authorities who will recognise many of the issues detailed here. It is also hoped that it will stimulate some debate (amongst those with the power to influence Scrutiny) about their approach to the process.

2. The Emergence and Establishment of Overview and Scrutiny within Local Authorities in the UK.

2.1. Introduction.

This chapter attempts to provide a detailed review of literature within three principal areas.

- The background to the changing nature of Local Government in the UK.
- The creation and establishment of systems and processes within which Scrutiny can operate.
- The nature of the party political system and the impact of Overview and Scrutiny upon it.

At the outset, the introduction of new political arrangements, Overview and Scrutiny needs to be located within the changing nature of central-local relations in the United Kingdom, the changing role of Local Authorities and recent attempts to 'modernise' Local Government.

The position of Local Government in the United Kingdom (UK) in relation to the centre is weak. In legislative terms, ultimate power resides with the centre meaning, theoretically at least, Local Government is one Act of Parliament away from abolition. Unlike federal systems such as Germany, where the status and role of decentralised Government is enshrined in the constitution, the lack of such a formal constitutional settlement in the UK has made for an ambiguous relationship. As Walker asks in relation to Local Authorities;

"Are they autonomous decision-makers with their own legitimacy or agents in the collective provision of services, a convenient assemblage of services on a place-by-place basis? The former definition suits ministers when there is blame to be allocated. The latter suits Councillors when they want the centre to provide more money. In practice, it has been convenient to keep both identities going. In practice, neither side liked too clear-cut a definition."

(Walker, 2000, pp.5-6)

Both branches of Government have often exploited the lack of clarity as a mechanism of convenience, although in recent years it has been used more as a mechanism of central *"power politics"* (Stoker, 1999, p.1). However, it appears this power relationship is likely to remain as Walker notes, *"There is no sign that the convenience of that ambiguity has lessened."* (Walker, 2000, p.6).

2.2. 'Localism'.

Theoretical approaches to Local Government work are derived from normative perspectives that *"start from the fixed proposition that elected Local Government is to be valued."* (Goldsmith, 1990 p.16 in King and Pierre). Whilst public-choice theory that emerged in the mid-1970's, has challenged this view, the normative perspective is still influential.

Pluralist approaches view Local Government as being beneficial because value is seen in the dispersal of power with decentralised units allowing competing interests to battle for influence. Therefore, decision-making outcomes have a broad consensus behind them, which reflects most accurately the view held by the majority of citizens.

J.S. Mill was arguably the most prominent early advocate for Local Government and he, writing in the nineteenth century, believed it had value for three reasons. These assumptions have come to underpin the normative debate surrounding Local Government. Firstly, it gives the opportunity for political

participation (King and Stoker, 1996, p.6, Pratchett, 2004, p.360). Without Local Government, the opportunities for people to become involved would diminish significantly.

The second reason for having Local Government was that due to being situated within the locality it serves, it is ideally placed to deliver effective services and be responsive to the views of the local community. Finally, aligned to the idea of pluralism, Local Government is beneficial as a countenance to strong Central Government, allowing power to be diffused within the modern state (Cockburn, C. (1977)).

In a more modern context localism is considered to be 'Local Government's ideology', and is closely identified with the work of Jones and Stewart (1983). This sees the diffusion of power to Local Government as possessing great value, indicating its pluralist nature. Localism recognises that since circumstances change according to location, Local Government is able to reflect this variation since it is closest to the community. Therefore, Local Government is also well positioned to gain public loyalty (King and Stoker, 1996, p.12, Stoker, 1991, p.233).

Localists also believe that through its capacity as a separate publicly accountable body local government is open to the local community and the groups within it. They are able to engage with each other at the local level, whereas Central Government is too remote from local communities to effectively engage. This is of paramount importance since it is the accountability element that distinguishes Local Authorities from any of the alternatives.

2.3. Local Government and Democracy.

Schumpeter (1954) defines democracy as “*electoral competition for office to obtain the periodic approval of an otherwise little involved mass electorate*” (quoted in Stoker 1991, p.50). This competition, offering different policies and programmes gives electors a choice and this choice is the basis of democratic accountability.

Elected members represent their communities through the votes of their constituents. Elections serve as checks on these representatives. They retain the control in a democracy through their ability to remove those they have elected and replace with another. Whilst being a rather limited concept of democracy, a pure administrative form of local decision-making makes no provision for democracy and accountability (Stewart, 2003, p.45).

The accountability of Local Government to its electorate makes it distinctive from Local Administration. Beetham offers three principle reasons as to why Local Government is preferable to Local Administration (in King and Stoker, 1996, pp.33-39). Firstly, local administrations are not held accountable by the public since the political will is lacking in Central Government to scrutinise a local administration. The advent of local quangos requires a link between Council and the people to ensure these bodies remain accountable. This ensures the public are participants, with a role in decisions about allocation of resources, rather than being mere consumers.

Secondly, Local Councils remain responsive since they possess far greater local knowledge and can more effectively reflect the views of the local community. They are also much closer to the people thus enabling them to remain receptive, and since they are elected they have an incentive to consult

regularly. Finally, a system of Local Government ensures diversity in representation within the Council. From this viewpoint, diversity is seen as a positive virtue.

However, despite this normative emphasis, in practice achieving accountability is difficult, particularly within the UK. Participation in Local Government is low, very low indeed, when compared to the rest of Western Europe and the proliferation of local organisations delivering services further weakens the democratic vitality of an area. If local people are not able to hold these bodies to account and gain an explanation for their actions and decisions, accountability is non-existent (Stewart and Davis, 1994, p.33).

Within Councils, the party group system has manoeuvred itself into a dominant position within the structures through which Local Government is to be held accountable. However, traditional theories of Local Government tend to underplay the power and role of party groups, thus hindering their usefulness in providing an understanding of how Local Authorities provide accountability to their communities.

Stoker believes the accountability of Local Authorities to their communities is *"partially effective but flawed"* (1991, p.55). He feels continuous single-party control and low turnouts are the biggest threats to accountability. Gyford, Leach and Game develop the argument further, noting that since 1835, and the development of the first municipal boards, Local Government has gradually become politicised, culminating in the present system of party politics controlling these democratic institution (Gyford, Leach and Game, 1989, pp.6-20). In this system it is universal practice for elected members of the same

party to form a group *“which meets to pre-determine the line to be taken on matters coming before the Council.”* (Stoker, 1991, p.39).

Therefore, despite the intention to provide openness and accountability, Stoker reports how several case studies found that many Councils became *“inward-looking and oligarchic...”* through strong majority-parties (Dumbleton 1976, Dunleavy, 1977, Dearlove, 1980, Jacobs, 1976). Without strong democratic roots at the lowest level, Local Government falters (Thomason, 1991, p.10).

According to Stoker it was this view that manifested itself in official reports and textbooks and was the view of Councillors and officers alike (Stoker, 1999, p.232). Local Government in Britain holds a strong welfare provision function and this growth in the welfare state post-1945 gave Local Government a solid and constant role and relationship with Central Government. The traditional view of Local Government remained almost unquestioned.

However, Pickvance and Preteceille identify the emergence of several factors that led to the changing economic and political significance of Local Government and its relationship with the centre. For example, the growth in the 1960's of social movements meant that as an open elected institution, Local Government became vulnerable to higher public expectations as well as participatory pressures from these social forces. While Local Government had to be seen as providing better services and had to be receptive to community needs (Cockburn, 1977).

The economic crises of the 1970's and 1980's meant that the delivery of welfare provisions were cut back by Central Government, impacting greatly

upon Local Government (Cochrane, 1993, pp.28-46). This led to a different form of relationship between Central and Local Government.

2.4. Local Government and the New Right.

As described earlier, Central Government has considerable control over the role, activities and the existence of Local Government. John argues that whilst Local Authorities acquired more powers to deliver services, the centre was allowing itself greater capacity to exert control over them. (John, 1990, p.1).

Yet, despite this, Walker comments on the resilience of central-local relations. He believes that the relationship remains strong despite these tremendous strains (Walker, 2000, pp.3-4).

After 1945, Local Government, through its role as welfare provider became increasingly important. However, the questioning of the post-war welfare state from the mid 1970's led to Local Government being viewed as wasteful and inefficient; seen as *"a problem, an irritant, a sore on the body politic – in the eyes of the centre and, it has seemed, citizens at large."* (Walker, 2000, p.2).

The Thatcher Government particularly saw Local Government as a problem. During this period, relations between the centre and the local deteriorated severely and came close to breaking. Described by Stoker (1999, p.1) as *"a brutal illustration of power politics"*, focusing on finance and a desire to control Authorities spending, the Conservatives attempted to reduce the welfare state, sought to maximise the ability of the public to choose whilst further increasing the powers of the centre (John, 1990, pp.7-20). Influenced by public choice

ideas², the Conservative Government imposed its will upon Local Government, in spite of local opposition, to the point of outright confrontation (Lansley, Goss and Wolmar, 1989).

When the Conservatives lost power in 1997 the Local Government landscape was radically different from that it had inherited in 1979. In those eighteen years, over two hundred Acts of Parliament affected Local Government, and Local Government was exposed to major changes in the way it operated;

- Central Government reduced their independent powers.
- Non-elected quangos were established to take over.
- Major services were privatised.
- Central Government increased their control over Local Authority finances.

(Source; Weir, S., and Beetham, D. 1999, p.247)

This tumultuous period resulted in Local Authorities being restricted by strong central control and demoralised by eighteen years of conflict. Consequently public confidence in Local Authorities and their services was low, manifested by a cynicism of and lack of interest in the local Council. Restricted by ever-increasing regulation, Local Government found itself increasingly sidetracked by the proliferation of outside bodies brought in to deliver services during the previous eighteen years.

Miller, Dickson and Stoker detail a range of areas over which Local Authorities lost all but tokenistic control (2000, pp.14-15). This process was partly driven by a mistrust and suspicion of Authorities, heightened by the decrease in

² Public choice theory sees local Government as inefficient and wasteful. Consequently, expenditure grows excessively (Henney, 1984). Those inside local Government seek to maximise their budgets (Niskanen, 1971) and staff levels (Blore, 1987). Public choice theory believes that markets, rather than elections are the best determinant of public preferences.

Conservative representation locally over the same period. But it was also recognition of Local Government's failure to provide accountable and responsive services.

The government felt that low electoral turnouts and a poor calibre of Councillor meant those with relevant skills and experiences were increasingly not involved. Local Government was in very real danger of being rendered irrelevant;

"Bringing business skills, knowledge and interest to local governance was a key theme for the Conservatives. But there was also recognition of the value of enabling others from outside the traditional system such as service users, volunteers and active citizens to become involved in local decision-making."

(Miller, Dickson and Stoker, 2000, p.16)

Politicisation meant that many Authorities effectively became one-party organisations with little electoral choice. Greater political influence meant Councils focused on internal dealings and political squabbles rather than looking outwards to their local communities.

2.5. Local Government under New Labour.

Labour's approach built heavily on ideas developed when in opposition. Ideas and strategies were being published as early as 1994 (see Hodge, M., and Thompson, W. 1994) and this suggested they would 'hit the ground running' when they came to power.

The new Government expressed their commitment to Local Authorities, highlighted in the prominent personal involvement of the Prime Minister (Hambleton, 2000, p.937). He stressed the central importance of Local

Authorities' in community leadership but, argued that they would need to become more modern in the process.

As one observer argued;

"Decision-makers have to become visible, and their processes transparent. Local people should know who takes decisions, who to hold to account and who to complain to when things go wrong. They should be encouraged to become involved with their Council..."

(Rao, 2000, p.131)

The key concepts that would be associated with the need to modernise were efficiency, transparency, and accountability. These themes were identified in the White Paper, *'Modern Local Government – In Touch With the People'* (ODPM) published in 1998 which detailed the methods through which this 'revolution' would occur. From this it was apparent that the principal focus would be on political structures.

Blair used the argument that it was necessary to change to push through modernisation. To him, this process of modernisation would be essential for Local Government if it was not to be left behind. Local Government was invited to play its *"full part"* (Blair, 1998, p.1). At present Local Government was *"weakened by its poor base of popular support"* (Blair, 1998, p.14). Things had to change as *"The way that Local Government currently operates is inefficient and opaque."* and it was made clear to Authorities, strong measures would be used if deemed necessary (Blair, 1998, p.17).

These conflicting tendencies of encouraging reform whilst at the same time threatening to impose solutions on Local Government if they did not voluntarily change, was evident in the Fabian Society pamphlet produced in Blair's name.

Pratchett and Leach echo these themes of centralisation and strong central control although they emphasise that greater choice exists for Authorities to shape their own destinies than was available under the Conservatives (Pratchett and Leach, 2004, p.378);

“... it is depressing that most commentators focus only on constraints ... there remains plenty of opportunities for Local Government.”

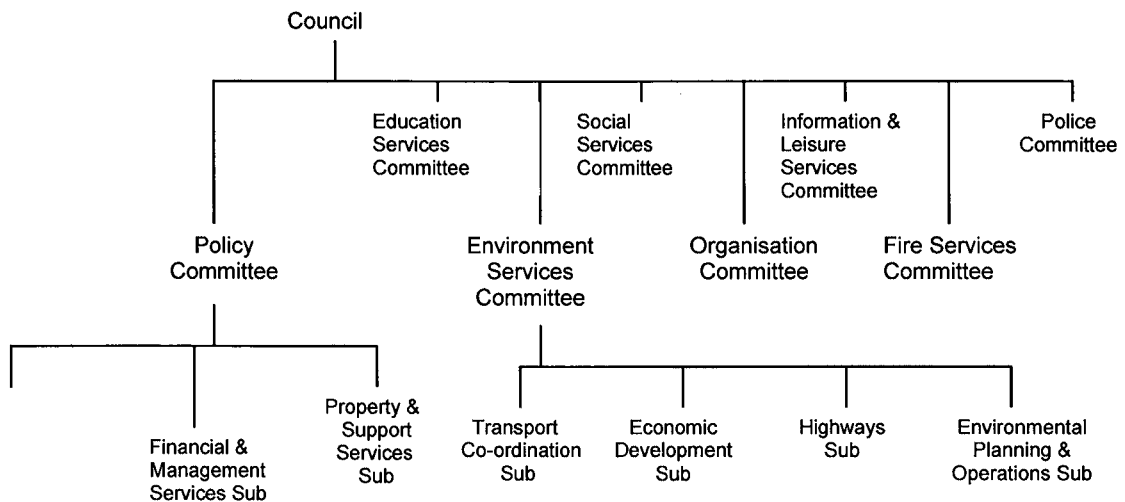
This thesis concurs with this and will demonstrate that this “*choice within constraint*” was, and is, certainly available in the political management arrangements. But before turning to this, it should be considered why reforming political structures were seen as vital to reforming Local Government.

2.6. Reforming Political Structures.

Cole describes the creation of Overview and Scrutiny as the culmination of a thirty-year debate about the political management of Local Authorities, commencing with Maud’s ‘*Committee on the Management of Local Government*’ (1967) and followed up by the 1986 Widdecombe ‘*Report of the Committee of Inquiry into the Conduct of Local Authority Business*’ (Cole, 2001, p.239).

This continual re-assessment and revision of structures suggests Local Government has been consistently viewed as flawed and unresponsive. Copus has noted that the political structures, of which the Committee System was central, were “... *a product of the Victorian era.*” (Copus, 2000, p.76). Local Authorities had been operating under these constraints for centuries and had numerous difficulties that had to be addressed (Figure 1).

Figure 1. The Structure of the Committee System (Example of Cheshire County Council) (Leach, S., Stewart, J. and Walsh, K. (1994) p.173).



It was clear that;

“... old methods of working, including the over-reliance on formal meetings, had become firmly established. It had also meant that the skills and capacity of elected members did not necessarily match the present day challenges”
 (Transport, Local Government and Regional Affairs Select Committee’s Fourteenth Report on How the Local Government Act 2000 is Working, 2002, p.4)

The Government believed the entire system had *“...not kept pace with the way people live their lives today.”* allowing *“inefficiencies to continue, and can reinforce a culture where Councils are inward looking, failing to put the interests of their people first.”* (‘Modern Local Government – In Touch With the People’, 1998, p.9)

The argument universally accepted across the literature, for example by Maer and Sandford (2004, p.7), ODPM (1998) and Copus (2003) was that the Committee System did not provide open and accountable decision-making. According to Cole (2001), Copus (2000, 2001) Hill (2000, p.187), Maer and Sandford (2004), ODPM (1998), Rao (2000, p.163) and the Audit

Commission/Centre for Public Scrutiny (2005, p.11) decisions were pre-determined in closed discussions involving the 'elite' members of party groups, and then merely to be ratified within the Committee.

The '*Modern Local Government...*' White Paper highlighted a clear need for increased accountability for decision-making and argued that clear political leadership was essential. "... *there is little clear political leadership. This is not a reflection on the qualities of Council leaders. It is caused by the structures in which they work.*" (ODPM, 1998, p.18).

Whilst recognising that the White Paper made several valid points regarding the nature of the Committee System, Cole claims that it is based more on assertions than actual evidence;

"For example, the claim in 'Modern Local Government' that many members were critical of the number of committee meetings and wanted 'to spend much more time in direct contact with those they represent' is not justified and indeed is contradicted by academic research. Similarly, the White Paper offered no scholarly justification for the claim that the new structures would encourage local people to take a greater interest in Council business."

(Cole, 2001, p.244)

However, the White Paper only says the '*evidence suggests*' elected members wish to spend more time with their constituents. Whilst the White Paper fails to disclose the source of this argument, Fenwick et al note that elected members see representing their community as their primary role (2003, p.33). Therefore, whilst some of Cole's criticism is valid, the arguments made by the White Paper appear vindicated by further research.

Copus argues that reform arose from "*a crisis of democratic legitimacy*" with "*disconnection between citizen and Council*" as a direct result;

“of the committee system’s obfuscatory tendencies, which render political decision-making opaque and confusing, making it difficult to identify those responsible for policy and to hold them to account”.

(Copus, 2003, p.120)

Furthermore, Committees were seen as *“a slow and inefficient way of making decisions, delaying the Council’s ability to respond to the views and demands of the public and stakeholders.”* (Copus, 2003, p.120) Despite this, Copus believed the Committee System had several advantages if properly operated (as did Rao, 1999, p.267);

“First, decision-making and deliberation in committees (assuming party groups have not already ‘made’ the decision in a private pre-meeting) can be inclusive, broad based and enable Councillors to develop a detailed appreciation of specific services. Indeed, Councillors attest to being involved, informed, and in control of Council business when acting in committee. Whilst accountability and clarity are blurred by the committee system, it does provide a hierarchical structure and clear reporting system from sub-committee to full Council. Moreover, open debate in committee can lead to consensual decision-making ...”

(Copus, 2003, p.125)

2.7. The Legislation – Local Government Act 2000.

The Local Government Act 2000 removed the traditional Committee structure (Figure 1) and replaced it with an Executive and Scrutiny model. The Executive’s role would be to decide and implement Council policy. Backbenchers would become re-engaged in their communities, and also scrutinise the Executive’s performance in re-shaped and re-focused Scrutiny Committees (ODPM, 1998, p.19).

Three options were given to Councils as to how they would operate;

- “(1) a directly elected mayor who appoints an Executive (or cabinet) of two or more Councillors;*
- (2) a directly elected mayor with a Council manager appointed by the Council; and*

(3) a Council leader, elected by the full Council, who heads a cabinet."

(Hambleton, 2000, p.938)

A fourth choice existed which was available to Councils with populations under 85,000. This allowed them to establish a modified Committee System in the shape of a Policy Committee as opposed to a Cabinet. The Act only stated that each Council had to establish at least one Scrutiny Committee to countenance this Executive power.

This gave a great degree of freedom to Councils to develop their own political structures, and counters the charge that the reforms were a means of centralisation on behalf of Central Government. Although the lack of resistance to the upheaval is surprising, it could be seen that Councils interpreted the legislation as not being as radical an overhaul as was feared.

This appears to have manifested itself in the choices made by Councils. The third option, the 'Leader plus Cabinet' plus the modified Committee System model (known as 'Fourth Option') have proved to be the overwhelmingly popular choice with 98% of local Councils opting for these arrangements (Leach and Wilson, 2004, p.148).

Given the hostility towards elected-mayors this is perhaps not surprising (Leach and Wilson, 2004, p.137). These two options were the structures that remained closest to the formation of Local Authorities prior to the Local Government Act 2000. However, this similarity can present some difficulties since it can allow problems (such as group discipline, blurred transparency and accountability) to remain (Leach and Wilson, 2004, p.148). With the prevalence of these options it is important to assess whether the goals of Central Government, are being achieved.

The logic behind reforming political structures was to produce greater accountability, openness and transparency in decision-making. The three aims, detailed in *'Modern Local Government...'* are summarised in Figure 2.

Figure 2. The aims of the democratic renewal project. (Source; ODPM, 1998, p.19)

Aims of the Democratic Renewal project.	Description.
Efficiency	<i>"A small Executive, particularly where individuals have Executive powers, can act more quickly, responsively and accurately to meet the needs and aspirations of the community"</i>
Transparency/Openness	<i>"It will be clear to the public who is responsible for decisions. The Scrutiny process will help to clarify the reasons for decisions and the facts and analysis on which policy and actions are based."</i>
Accountability	<i>"Increased transparency will enable people to measure the Executive's actions against the policies on which it was elected. Councillors will no longer have to accept responsibility for decisions in which they took no part. That should sharpen local political debate and increase interest in elections to the Council."</i>

In a democratic state, sovereignty resides with the people *"who entrust elected representatives and appointed officials with certain responsibilities. In return they should be required to account periodically for their actions (and inactions)..."* (Leach and Percy-Smith, 2001, p.103). However, as noted earlier, this is a rather limited concept of democracy.

Accountability is clearly the most important of these aims. Broadly defined accountability is *"...that those entrusted with the use of public resources should not only act in the public interest but should be seen to do so."* (Downey, 1986, p.35). This is the principal aim of a system of Scrutiny, which is intended to act as a balance upon Executive decision-making. Without an effective Scrutiny function there is no restraint upon Executive power. Since these three principles are the driving forces of the entire modernisation agenda, Scrutiny is

the most important part since without it, none of these aims can be achieved (Snape and Taylor, 2001, p.1).

The Audit Commission argue that power brings greater responsibility; *“Executives are empowered but they will need to provide a more detailed account than ever before of the use of that power and the Council’s resources.”* (Audit Commission, 2002b, p.3). Scrutiny’s role is to ensure these responsibilities are met. It is evident that it was created to install a culture of openness and transparency, whilst driving better results through the monitoring and questioning of Council policy and performance.

The vague legislation for Scrutiny led many to believe the Government did not identify Scrutiny as an established role alongside Executive Government (Ashworth, 2001, p.7, Maer and Sandford, 2004, p.8, Wilson and Game, 2002). Ashworth argues that Scrutiny only emerged as a consequence of their primary goal, which was to establish powerful Executive Government.

The justification for this is that *“no convincing rationale has been presented for the adoption of overview and Scrutiny Committees.”* (Ashworth, 2001, p.5). Maer and Sandford endorse this view, identifying Executive power as driving reform (2004, p.7). Johnson and Hatter actually go so far as to say *“the establishment of an Overview and Scrutiny Committee came as an after-thought.”* (Johnson and Hatter, 2004, p.5).

It appears that Scrutiny was a reaction to the creation of high profile, powerful Executive Government. The Government had created a small, powerful body says Ashworth, believing *“the concentration of power in a handful of Councillors will provide leadership benefits...”* Only then did they realise that

not only had they failed to create a role for all other Councillors, with “... very little attention ... focused on the vast majority of members” but also there were no checks and balances upon Executives (Ashworth, 2001, p.5).

Johnson and Hatter believe “it almost appears that legislators naively considered that, once Councils had a strong Executive in place, everything else would fall in line.” (Johnson and Hatter, 2004, p.5). However, the link between the lack of prescription and the claim Scrutiny was an afterthought is unproven, and tenuous at best.

This thesis would argue that Overview and Scrutiny was not the principal aim of the Government but still as vital a part of the process. Johnson and Hatter note that of the thirty-eight sections within Part II of the legislation, only one dealt with Scrutiny. Indeed, the only outline was “... what Overview and Scrutiny should achieve” and it certainly presented the impression that the form Scrutiny would take had not been thought out (Johnson and Hatter, 2004, p.5).

Ashworth notes this allowed Councils to experiment with their own arrangements (Ashworth, 2001, p.7). This thesis believes the lack of prescription from Central Government consequently meant that much of the subsequent research would need to focus on the dissemination of good practice to assist Local Authorities, as they considered how to arrange these new structures.

Whilst advantages exist in not having stringent guidelines, their absence can also severely hamper Scrutiny’s potential to secure open, transparent, accountable decision-making. Importantly Johnson and Hatter note; “The legislation relies on a culture of ‘fair-play’ and ‘reasonableness’ that it is in everyone’s interest to uphold.” (Johnson and Hatter, 2004, p.6). It is each

Council's culture and circumstance that will become apparent through their system but for it to work effectively it requires real commitment from those subject to Scrutiny – the Executive.

The Parliamentary Select Committee, reporting upon the early progress in Scrutiny and Executive Government claims;

“one of the reasons for the perceived lack of effectiveness of overview and Scrutiny so far is the fact that the Executive is not obliged (to) take notice of the recommendations of an overview and Scrutiny committee.”

(Transport, Local Government and the Regions Select Committee, 2002, p.16)

Since some Local Authorities made a provision in their Constitution for the Executive to respond to Scrutiny demonstrates how the lack of legislative prescription can have both a positive and negative effect. This is truly an important area for Scrutiny – the lack of detail means every structure is different, and presents the opportunity to either achieve the true goals of the modernisation process, or to manipulate and limit the effectiveness of Scrutiny (Johnson and Hatter, 2004, p.7).

2.8. Overview and Scrutiny Systems.

Given the huge variety in systems a substantial body of the literature concentrates upon the structural arrangements for Overview and Scrutiny. Unsurprisingly, considering that the only condition presented to Councils was the minimum of one Scrutiny Committee, Snape, Leach and Copus found “a good deal of experimentation” although there was “a strong trend towards individual authorities emphasising particular key roles.” (2002, p.7) This was a consequence of the legal framework, which let Authorities shape their own Scrutiny around their own particular circumstances (Dungey, 2001, p.14).

Despite the variety in practice, Snape, Leach and Copus believe that four broad structural approaches can be identified;

- Multiple Overview and Scrutiny Committee's without Co-ordinating Forum.
- Multiple Overview and Scrutiny Committee's with Co-ordinating Forum.
- Single standing Scrutiny Committee.
- Different structures for different roles.

(2002, pp.49-50)

It can be noted that these classifications offer no distinction between the possible processes and features under each of these headings and since the legislation did not lay down specific details, these structures could form part of either a successful or a weak Scrutiny system.

2.8.1. Approaches to Scrutiny.

Snape, Leach and Copus point to three key approaches being operated in Overview and Scrutiny (2002, pp.51-55);

- Traditional Committee,
- Parliamentary Select Committee,
- Participative.

The *traditional Committee* is clearly the least desirable since this is a continuation of the old system with its many problems. Despite this the authors do note that this suits elected members and officers alike since they are already familiar with the way of working. However, the authors describe this approach as “...casting a long shadow in shaping the approach to overview and Scrutiny.” and describe a multitude of disadvantages to continuing this system consistent with the arguments made against the previous mode of working (2002, p.55).

They believe this approach will ultimately become frustrating for elected members since the key element they desire – influence over decision-making, is no longer present. Indeed, in analysing the views of elected members a major reason for their frustration is their perceived lack of decision-making power.

Cole describes how one Councillor felt that to represent his electorate he needed to be able to influence decisions impacting upon his ward. Scrutiny meant this was no longer possible since he could not fight for his ward’s interests in Committee and lobby influential members directly for the resources needed (Cole, 2001, p.243). As one political group have argued “*Scrutiny members feel deprived of any decision-making powers ...*” (LGA Liberal Democrats, 2001, p.5).

The second structural approach again draws upon the similarities between the Local and Central Government systems of Scrutiny, detailing how numerous Councils have modelled Scrutiny on *Parliamentary Select Committees*. This approach focuses upon collecting evidence and publishing reports that summarise this evidence as justification for the final recommendations;

- “*Holds cabinet and senior*

- *officials to account in public.*
- *Brings in external opinion and expertise.*
- *Evidence-based approach.*
- *Can be highly effective approach for engaging partners and public.*
- *Develops questioning and analytical skills of members.”*

(Source; Snape, S., Leach, S., and Copus, C. 2002, p.52)

The third and final approach taken is the *participative model*. This is less formal and offers different ways of working such as “brainstorming” sessions, workshops and site visits. This can foster teamwork amongst elected members and officers and draw in evidence not obtainable through other means.

A key concern that grows out of these approaches is that without firm guidelines from Central Government, Councils may re-converge around practices that dominated prior to 2000. That this was identified as one of the approaches being operated in the early stages of Scrutiny shows that traditional approaches are re-establishing themselves.

Cole, at the culmination of his report identifies the biggest obstacle to change as “... *the persistence of more traditional approaches among Councillors.*” (Cole, 2001, p.244). Leach, as well as Snape and Taylor is also struck by the resilience of traditional procedures and voices a concern that this will carry over into their behaviour, mindsets and attitudes (Leach, 2005, p.32, Snape and Taylor, 200, p.193).

For Snape and Taylor the “*continuation of traditional practice is a denial of the needs of Scrutiny.*” and will obstruct transparent and accountable practices (Snape and Taylor, 2001, p.7). Clearly traditional approaches are casting a shadow over Scrutiny working in the intended manner, but the lack of

legislative detail meant that reverting to old practices was easier than it should have been.

Johnson and Hatter's research demonstrates that if Scrutiny is treated as a secondary function it will not accomplish these goals. Their study of a London borough found a negative and pessimistic view of Scrutiny existed amongst elected members, which manifested itself in an ineffective system. Whilst Council structures had become more positive, Johnson and Hatter found a culture among members that prevented Scrutiny from becoming effective (Johnson and Hatter, 2004).

The role of the majority group is central to giving Scrutiny the status it requires to succeed. This project will aim to assess whether a political will for Scrutiny to succeed from the majority group results in a strong and robust Scrutiny process.

2.8.2. Processes and Practices.

Within Scrutiny the lack of specific guidance allowed for the development of a variety of approaches. To assist understanding, Snape and Taylor (2000, p.200) offer a thorough and varied list. They distinguish between internal and external processes whilst further distinguishing between general external processes (those that engage partners) and those that engage the public and service users.

In her work Ashworth has focused upon the awareness of Overview and Scrutiny amongst elected members, and the extent to which powers had been used. She found that *"... the majority of Councillors perceive that Scrutiny Committees do have a full range of powers at their disposal..."* (Ashworth,

2001, pp.7-8). This is in sharp contrast to the views of Cole who claimed Committees were “weak” (Cole, 2001, p.242).

The extent to which Scrutiny powers have been employed is one of Ashworth and Hunt’s five lessons from Parliamentary Select Committees they believe can be applied to Scrutiny (Ashworth, 2003, p.9). As in the case of Ashworth’s earlier work (2001), the findings challenge Cole’s perception of Scrutiny as ‘weak’. They found that in comparison to the research undertaken in 2001 the usage of specific key powers had risen significantly (Figure 3).

Figure 3. Comparison of ability to, and use of powers available to Scrutiny (2001-2003).

	2001		2003	
	Power to	Utilised	Power to	Utilised
Power to call witnesses.	70%	40%	88%	67%
Request a response to debates.	68%	29%	79%	47%
Power to instigate Council debate.	55%	29%	63%	35%

Clearly the powers available to Scrutiny are essential in providing open, transparent, accountable decision-making. Yet, because the legislation made it possible for majority groups to implement structures of their choosing, an Executive unwilling to be challenged can limit this potential.

The programme of work for Scrutiny Committees is important since this sets the pace at which they will need to work and allows officers and elected members to prepare (Snape and Taylor, 2000, p.191 and p.197. 2001, p.8).

The writers warn against over-burdening Committees with work and stress the importance of having firm deadlines and clear outcomes, albeit with flexibility to address “urgent, unpredictable issues” (2000, p.197). Leach believes, in contrast to Maer and Sandford (2004, p.10) that the whole Council should have an input into the items to be considered by Scrutiny (2001, p.15).

In deciding the programme selectivity is clearly the most essential factor. The risks in over-burdening Committees are great due to its variety of roles, so good practice appears to be in-depth studies of an issue and reporting by a specified deadline. Dungey observes that from experience, many Councils have found they planned too many reviews, causing them severe problems later (2001, p.29).

Alongside selectivity, Johnson and Hatter identify ownership of the work programme as being of equal importance (2004, p.9). Elected members need to be actively involved in contributing to the work programme. They then need to control and shape this, rather than responding reactively as this gives them a feeling of involvement.

2.9. Resourcing the Scrutiny Process.

2.9.1. Officer support.

The culture within the local Authority³ will have a large bearing upon the ability of the Scrutiny process to achieve its potential. One indicator of the value placed on Scrutiny is the level of support given to it, both in terms of officer support and also financial backing. The Government stipulated no minimum requirements, once again leaving it entirely up to local choice (Dungey, 2001, p.26). A substantial body of research believes officer support is an important factor in giving Scrutiny a permanent status within the Authority (Ashworth,

³ *"Ways of working are supported by the culture of an Authority or the set of beliefs and attitudes that underlie a way of working. Culture is conveyed over time by a combination of experience and by accepted discourse. Experience is carried forward through the gradual turnover of Councillors and officers and by the continuities 'of the way things are done here' which newcomers find they have accepted before they have had the opportunity to challenge them. ... Culture reflected in discourse expresses beliefs and attitudes both about how the Authority should behave, the ways of working and the proper role in Local Government."* (Stewart, 2000, pp.19-20).

2001, p.7, Ashworth, Entwistle and Martin, 2002, p.7, Ashworth and Hunt, 2003, p.14, HM Government, 2002, p.14, Leach, 2005, p.33, Snape, Leach and Copus, 2002, p.84, Snape and Taylor, 2000, p.191). It plays a role in changing the attitudes of elected members and officers alike and assists in embedding it into the culture of the Authority.

Ashworth found that the support given to Scrutiny Committees in Welsh Authorities was improving (Ashworth, 2001, p.8), despite the Audit Commission reporting it was the second largest problem faced within Scrutiny (Audit Commission, 2002b, p.4). Leach believes officer support to be one of the four barriers to Scrutiny fulfilling its potential (2005, p.33).

The CfPS found in 2003 that 22% of Councils operated without one fulltime support officer. In 2004 the average number of support staff across Authorities was 1.2 full-time employees. A year later in 2005 this jumped to 2.6 (with only fourteen Authorities reporting no support for the function) (CfPS,2006b, p.6). This indicated that Councils were beginning to recognise the need to resource Scrutiny support.

Prior to this increase in resources the picture was somewhat alarming. Considering that CfPS argues that officer support is the biggest factor in determining successful Scrutiny (CfPS, 2004a, p.10), in 2004 78% of Councils still had no full-time equivalent officer to support the function (CfPS, 2004b, p.2).

Snape and Taylor devised a typology of the three main approaches to officer support operated within Scrutiny. Cole believes a 'fear' of Scrutiny exists that has led to the process being poorly supported (Cole, 2001, p.243). Ashworth

and Hunt found significant evidence of opposition from within the Authority to dedicated Scrutiny support units, suggesting that Cole's argument may have some foundation to it.

- MINIMAL; Direct support provided by Committee officers, who also provide support to other political forums, such as the Executive, full Council etc.
- INTEGRATED; Direct officer support on a part-time basis, from a variety of sources, and all these officers also undertake work for the Executive.
- SPECIALIST; Direct support provided by a Scrutiny support unit with dedicated officers, who only work to their Scrutiny Committees.

(Source; Snape, S. and Taylor, F. 2000, p.198, Snape, S. and Taylor, F. 2001, pp.12-13, Snape, S., Leach, S. and Copus, C. 2002, p.80)

With the integrated approach, officer support can become a controversial aspect, potentially giving officers a conflict of interests (Stoker et al, 2003, p.50). The ODPM report details an example where an officer can recommend a certain course of action to the Executive, so is thus unlikely to be inclined to offer an alternative to Scrutiny to permit them to challenge that original proposal (Snape, Leach and Copus, 2002, p.81).

The ODPM report says that this 'two-hattedness' of officers has been an issue in several Authorities (Snape, Leach and Copus, 2002, p.81). Yet with the current focus being more upon the policy development aspect this has not arisen to the extent perhaps feared. Despite that, this argument is often used to argue for separate, dedicated support units. Not only does this avoid the potential conflict of interests for officers but Ashworth and Hunt also argue that it has a huge impact upon the effectiveness and robustness of the Scrutiny

process (2003, p.14). Elected members were generally complimentary about the support they receive, but voice concerns that they were over-stretched and lacked resources and unsurprisingly favoured a dedicated support unit.

2.9.2. Financial Support.

In addition to officer support, Scrutiny requires a budget to enable it to conduct its work. Tight financial demands have often meant that in Councils where dedicated support has been introduced, little funding can then be made available to Scrutiny. Evidence Ashworth presented to House of Commons Select Committee showed resources allocated to Scrutiny were “*minimal in most, if not all authorities*” and was an impediment to Scrutiny proving effective in its aims (2002, p.18).

The Centre for Public Scrutiny found that only 55% of Councils provided a budget for Scrutiny outside staff considerations and again there was great variety in the size of this budget, ranging from £500 up to £200,000 in one Council. The average budget they found was £30,000 but clearly this figure is distorted somewhat by the inclusion of those Councils with larger budgets (for example, £200,000). To provide a more accurate reflection from across the country they found the London average to be £28,000, whilst the average budget for District Councils was £8,000.

The Government's own response to the Select Committee's fear of under-resourcing Scrutiny indicates their feelings that the greater the resources allocated to Scrutiny, the better its outcomes will be. However, it does not address satisfactorily where this resource should come from. They infer that funds can be transferred from the cost of running traditional Committee structures, but fail to address their earlier view that Scrutiny needs to buy in

expertise from outside the Council. Since this never occurred under the traditional Committees, greater funds will be needed than have been previously allocated.

By putting extra resources into Scrutiny it is conceivable that it can contribute to efficiency savings, but an initial outlay still needs to be made. Furthermore, at this stage, there is no real guarantee of investment reaping rewards, particularly with other obstacles impeding the fulfilment of Scrutiny's potential.

It is apparent that the majority of Councils are struggling to find the resources deemed adequate for Scrutiny to perform effectively. Funding officer support and providing a budget for Scrutiny will continue to be a huge challenge for Local Authorities.

2.10. Overview and Scrutiny Roles.

With such vague guidelines being provided by the legislation, each Authority was effectively given a blank canvas upon which to develop its own role. For example, The London Scrutiny Learning Set believe that Scrutiny can provide alternative ways of strengthening community leadership, increasing accountability, driving improvement and innovation, engaging communities and building more trust in local democracy and local institutions (CfPS and Shared Intelligence, 2005, p.3).

It is disappointing that despite the number of roles and opportunities available, the consensus is that Scrutiny is still a problematic function (Ashworth and Snape, 2004, pp.542-543). Furthermore, they note a huge imbalance in the roles being undertaken by Scrutiny, which demonstrates some will be making progress, whilst others will be chronically underused.

2.10.1. Holding Decision-makers to Account.

Since accountability was the Government's main aim, it can be assumed that scrutinising, principally through the call-in mechanism was the Scrutiny process most important role (ODPM, 1998, p.19). Snape and Dobbs argue that the Scrutineer's role is a "*meta*" role, which varies according to local circumstances and situations (Snape and Dobbs, 2003, p.9). Therefore in holding the Executive to account, other methods should exist beyond calling-in decisions.

The Government White Paper called for Committees to not only review and question decisions but to review "*the policies and direction of the Council, proposing changes and submitting policy proposals to the Executive.*" (1998, p.33). This indicates that the structures have a wider role than simply scrutinising. The Government stressed that this was to be carried out in an impartial manner, devoid of party political views. This desired approach has become known as the "critical friend" element. Wilson and Game believe a condition of the formation of Executive governance was the parallel establishment of Scrutiny Committees who were given the broad remit to "*review all matters that are the responsibility of the Executive...*" (Wilson and Game, 2002, p.247).

Various authors describe holding the Executive to account as Overview and Scrutiny's primary duty but despite this, the ODPM report found it to be "*the one which is proving most challenging*" for Councils to achieve (Cole, 2001, pp.239-245, Dungey, 2001, p.10, Dungey, 2003, p.1, Leach, 2005, p.7, Snape, Leach and Copus, 2002, p.42.). Snape and Taylor believe that when holding the Executive to account Scrutiny must strike the right balance between being critical yet constructive, and remain cordial, but not too close to the Executive (Snape and Taylor, 2001, p.2).

From the evidence it is clear that few Authorities are managing to fulfil the 'critical friend' brief to its fullest effect. Data shows the average number of call-ins per Authority is just below three (CfPS, 2006a, p.24). Considering this figure was raised by the average amongst Unitary Authorities (nearly eight times on average) some Authorities have barely used this tool, if indeed at all. Consequently many Authorities have focused on alternative roles for Scrutiny to pursue, where they can have more success (Snape and Taylor, 2000, p.189). Evidence from the Evaluating Local Governance (ELG) Team found more success came from reviewing existing service outcomes than holding decision-makers to account (2004, p.11).

This view was confirmed by evidence from surveys of both officers and elected members. Rao's ODPM-funded surveys found that;

- 37.9% of officers think Scrutiny is effective in 'holding decision-makers to account' compared to 55.5% who believe Scrutiny is effective in 'reviewing service outcomes'. (Rao, 2005, pp.24-5)
- 32% of elected members felt that Scrutiny was effective in 'holding decision-makers to account' compared to 52% who felt it was effective at 'reviewing service outcomes'. (Rao, 2005, p.24)

This was not to say that Authorities do not focus upon the direct method of holding the Executive to account. The CfPS found that in Wales "*The majority of Committees have focused on scrutinising Executive decisions...*" (CfPS, 2005, p.3) whilst paradoxically they found that the call-in function had been used sparingly (CfPS, 2005, p.14). This suggests that those who do attempt to

challenge find other means of doing so, without using what many perceive as the 'nuclear' option – the call-in.

The legislation clearly gave Scrutiny Committees the power to ask for a reconsideration of a decision, but each Authority was allowed to design and agree upon the specifics for call-in. Consequently Stoker et al found "*widely varying criteria*" for call-in to be enacted (2003, p.46). Again this allows powerful individuals the opportunity to manipulate the process to their own ends. Recent research by CfPS has shown the majority of Local Authorities have converged around similar structures for call-in. For example, 97.1% require six elected members or less to trigger a call-in (CfPS, 2006a, p.16) and 95.3% opted for a period of 3-7 days after a decision is made for it be called-in (CfPS, 2006a, p9).

Several examples were found where opposition was stifled and challenge was not achievable. This was either due to the numbers required to produce the call-in or cases, usually in majority-party systems, whereby call-in's had no consequence upon the decision. This demonstrates that the timescale and numbers required to back the call-in can limit the ability to use this, whilst maintaining the image that this is contributing to accountability and transparency. Obviously, the opposite can also be true and again, Stoker et al found many Authorities operated an open and fair call-in process (Stoker et al, 2003, pp.46-7). The CfPS cite five examples where the public (usually through petitions) can instigate a call-in, and report twenty-nine Authorities where a single Councillor can trigger a call-in (CfPS, 2006a, p.14).

Leach, Skelcher et al lay down what they see as three conditions to be integrated into the call-in process to ensure it cannot be abused and will function effectively.

- That the requirement for doing so is justified.
- That the call-in is not capable of veto by majority party.
- That there should be adequate time for evidence to be collected so an effective challenge can be made.

(Leach, Skelcher et al, 2003, p.30)

Whilst most findings surrounding call-in appeared positive, Stoker et al did find cases where Executives stifled the potential for challenge and opposition groups had abused call-in. One case had call-in almost *“institutionalised as an opposition tactic on a weekly basis.”* (Stoker et al, 2003, p.47). To counter this, many Councils operate a structure requiring cross-party support for a call-in. Whilst this may appear positive, CfPS note that the realities of local politics is such that this mechanism will hinder effective challenge (2006a, p.13).

The opportunity for exploitation of the call-in process emerges from the lack of legislative guidelines, but demonstrates the relevance for this investigation into whether majority groups are disposed to seek to restrict and control Scrutiny. Stoker et al’s finding that it was usually in single majority party systems where call-in had been utilised more than twice indicates a clear tension existing between majority parties and Scrutiny (Stoker et al, 2003, p.47).

No research has investigated the success of call-ins but Stoker et al found several had resulted in changes to policy and policy-making procedures (2003, p.47). Intriguingly for this thesis, in Authorities with majority party control, no call-in had resulted in a change to an Executive decision. No suggestion is offered of any factors impinging on this, but clearly there are reasons requiring investigation.

2.10.2. Policy Development and Review.

A significant volume of literature sees 'holding to account' as being a more rounded process. It is seen, particularly by those members and officers within Scrutiny as a system of checks and balances (CfPS and Shared Intelligence, 2005, p.5).

Snape and Taylor believe holding the Executive to account involves two main forms;

- a) *"scrutinising decisions after they are made."* and,
- b) *"scrutinising decisions before they are made and implemented"*
(Snape and Taylor, 2000, p.189)

Under option B, members select a topic (either a pre-existing area of policy or something new or under development) and propose a set of recommendations for implementation. Of these options, Ashworth and Snape report that reviewing policy and forwarding recommendations for improvement rather than 'new' policy development is the main role (Ashworth and Snape, 2004, p.545). Again however, it is down to local choice as to how this will be conducted.

Policy development is popular since it shifts the mindset of Councillors towards a positive and pro-active view of the new arrangements. It can also diffuse a potentially difficult situation, taking a problem-solving rather than a narrowly

party political approach. Leach, Skelcher et al believe policy development and review gives the process a vital role since it allows them to have a large influence on policies, since they have more time to deliberate and investigate in-depth potential policies (Leach, Skelcher et al, 2003, p.29 and p.34).

Again great variety exists within policy development and review. Many types of Council have separated policy development from review believing they are distinctive processes. Leach feels that for policy development to succeed, a more informal approach is required which is not possible within the confines of Scrutiny meetings (Leach, 2001a, pp.13-14). Snape and Taylor disagree with Leach, believing those Councils that separated policy development and policy review have distinguished between the indistinguishable. They claim, quite rightly, that if Committees review policies then they will clearly develop and suggest future policies to assist with their argument (Snape and Taylor, 2000, p.190 and 2001, p.4).

Snape, Leach and Copus found several positive examples of policy development and review taking place (2002, p.19). Research uncovered significantly more examples of policy development and review than Executives being held to account, indicating this as Scrutiny's major work area (Leach et al, 2003, p.30). The ODPM report found "*many members and officers argue that such quality of work was undertaken rarely within the traditional Committee system*", highlighting the benefits of such work (Snape, Leach and Copus, 2002, p.20).

Local Authorities are finding a number of innovative and original approaches to adopt with policy reviews as detailed below (Snape and Taylor, 2001, p.3).

Snape and Taylor believe elected members find this innovation "*particularly*

interesting and satisfying” and identify three forms reviews can take (Snape and Taylor, 2000, p.189 and 2001, p.3);

- Undertaking a review as part of developing key policies to be included in the policy framework of the Council.
- A policy review might examine how well a policy has been implemented and whether the desired outcomes have been met.
- Wide-ranging reviews of policy.

During reviews elected members can take oral and written evidence and use “a wider variety of methods including workshops, seminars, public meetings, press releases, mystery shopping, commissioning internal and external research, and so on.” (Snape and Taylor, 2000, p.189). Clearly policy reviews allow great variety and evidence suggests that elected members find them enjoyable and interesting. So whilst many Councils struggle to hold the Executive to account, conducting policy reviews and developing recommendations for future policies or amending current practice appears to be progressing satisfactorily.

2.10.3. Financial Scrutiny.

Scrutiny was also given the ability to participate in the financial aspect of Council business, most crucially the budget (Dungey, 2001, p.10 and 2003, p.1). Leach believes budget involvement adds “*considerable potential value*” to Scrutiny since it is the most significant event of the municipal year. Although he found that when Scrutiny had become involved, it “*has not always been a particularly rewarding experience*” because of the majority party’s scepticism regarding its proposals (Leach, 2001a, p.17).

Financial Scrutiny is still under-developed within the literature indicating the difficulty of its integration, particularly as many types of Council are still attempting to engage elected members in other activities. That Ashworth found a variety of divergent results and impacts demonstrates the differences in how Councils have incorporated this role. In her study of Welsh Authorities, just over 70% had begun to use financial Scrutiny. Yet only 24% had powers on budget planning and only 20% of those had used them (Ashworth, 2001, p.9).

In 2003 Ashworth and Hunt updated their investigation from 2001. Again the greatest influence came in budget preparation, though again, mixed results were identified with some reporting considerable advancement, whilst others are still developing (Ashworth and Hunt, 2003, p.19). These mixed responses again indicate that not only are Councils at different stages and levels of success with Scrutiny, but they are also concentrating upon different roles.

2.10.4. External Scrutiny.

One of the key roles for Scrutiny to develop is external Scrutiny. With the proliferation of outside agencies and organisations playing a role in Local Government (Skelcher, 1998), it was a central theme in the new arrangements that locally elected politicians would be best placed to hold these bodies to account on behalf of the electorate. It would also allow members to fulfil their community leadership role.

With the focus being upon establishing internal Scrutiny mechanisms, this external role has tended to be ignored. This is the view of Ashworth and Snape but as they note, the potential to succeed is great because when it has been used, *“external scrutinies have been more successful in engaging the public.”* (Ashworth and Snape, 2004, p.550).

Section Two of the Local Government Act 2000 granted Local Authorities the ability to promote the *“economic, social and environmental well-being”* of their communities, giving Councils scope to improve the quality of life and the health of their communities (CfPS, 2004, p.6) through applying *“the process of Scrutiny to bodies outside the control of its own Executive.”* (CfPS, 2005, p.5).

The ODPM report identified three ways Councils can conduct external Scrutiny (Snape, Leach and Copus, 2002, p.70);

- a) Establishment of a separate Committee.
- b) Collaboration with others.
- c) Cross-Authority.

External reviews allow elected members to champion their wards and their own electorate, placing *“the individual member at centre stage”* (Snape, Leach and Copus, 2002, p.70). It also potentially addresses a concern Cole uncovered within elected members; that they feel bypassed and unable to fully represent their wards (Cole, 2001, p.243).

Clearly with external Scrutiny providing a multitude of issues to investigate, it could overwhelm Committees' schedules. With this in mind, Leach recommends efforts be focused on matters *“that help the community but (does) not let it dominate their agendas...”* (Leach, 2001a, p.17)

Since external Scrutiny and in particular Health Scrutiny are more recent developments, it is not surprising that it is underdeveloped within the literature. Practitioner guides highlighting best practice are beginning to emerge on

Health Scrutiny, and this key component of external Scrutiny will continue to develop in future, since initial research by Stoker et al indicates considerable confusion and uncertainty amongst Authorities about the purpose of Health Scrutiny (Stoker et al, 2003, p.49).

The Health and Social Care Act 2001 gave County and Unitary Councils the responsibility to oversee the establishment of Health Scrutiny Committees. The Local Government Act 2000's brief for any Overview and Scrutiny Committee to investigate and report on "*matters which affect the Authority's area or the inhabitants of the area.*" (Dungey, 2001, p.38) provided a loophole for any Authority to conduct Scrutiny relating to local health issues.

Dungey highlights a set of key issues Councils must consider for this role to be effective (Dungey, 2001, pp.39-40). She believes all Councillors need a "*sound understanding*" of the health service and a dialogue should be established with the local community to feed in people's views about health provision. Furthermore, Health Service users will need to be involved in an appropriate manner, Scrutiny will need to focus on specific issues and tackle the broader issues around health improvement.

Health Scrutiny needs to provide effective outcomes for the venture to be deemed worthwhile. But it also needs to avoid creating conflict with partners without whom Health Scrutiny cannot function successfully. Snape and Taylor urge great caution; "*skill will be required to ensure that relationships with outside bodies are not made worse by Scrutiny rather than deepening the Councils understanding of partnership working.*" (Snape and Taylor, 2000, p.190). Evidence suggests external Scrutiny has been used more as a partnership tool to enhance learning of the NHS amongst elected members

(CfPS, 2005, p.8). But the question needs to be asked whether this sufficiently satisfies elected members?

2.10.5. Public Engagement with Scrutiny.

As previously stated, external Scrutiny is seen as an ideal way to raise public involvement in the new political structures. Stewart's view that democratic renewal fails to sufficiently achieve this aim overlooks the potential of Scrutiny to do this (Stewart, 2003, pp.250-251).

The lack of progress in this area is reflected in the minimal level of discussion within the literature. It could be argued that this is a result of the focus largely being upon establishing effective structures before looking to actively engage the public in its work.

Leach believes Scrutiny is ideally situated to draw the local population into decision-making. It can be a powerful tool for Scrutiny, as it would be very hard for any outside organisation and Executive to ignore a Scrutiny report with the added weight of public backing (Leach, 2005, p.24). *"We agree ... that engagement between local people and their local Council is of vital importance"* argue the Government in response to the Dept of the Environment Regions and Transport Select Committee, and they also believe new structures are not in themselves the solution, rather there needs to be a commitment from the Council to see this through (Transport, Local Government and the Regions Select Committee, 2002, p.11).

Elected members also believe it is crucial to involve the public in the new arrangements. There was diversity in the reasoning behind members believing this to be necessary, with several believing the public had to be educated. In

contrast others felt politicians had to be trusted before there would be any interest (Fenwick et al, 2003, p.31). Therefore, Scrutiny takes on extra significance since it can provide the visible accountability check on politicians.

The ODPM report, in attempting to disseminate best practice in involving the public and its partners, identify four ways (beyond the immediate method of providing information) of involving external bodies in Scrutiny (Snape, Leach and Copus, 2002, pp.92-93).

- Inviting them to contribute to the agenda.
- Inviting them as participating spectators.
- Co-opting onto Committees.
- Inviting them as experts/witnesses.

Whilst these appear reliable methods, unfortunately they still fail to recognise that the public may have no interest in getting involved. After all, engagement has to come from both sides, communication from one side to another is merely providing information. Therefore, an impetus and interest in actively participating is required from the public, otherwise any attempt made by Scrutiny is likely to end in failure.

The Transport, Local Government and the Regions Select Committee believe turnout in consultation on political arrangements demonstrated people are simply not interested in getting involved in how their Council operates. Only when there is an issue that directly affects them do they seek to participate (Transport, Local Government and the Regions Select Committee, 2002, p.21). This is also confirmed by Johnson and Hatter (2004, p.7).

As a first step the ODPM report urged Councils to publicise and inform the public of Scrutiny and their potential role within it. At present, it appears to be only stakeholder organisations rather than the public who are becoming involved (Leach, 2005, pp.20-22). But, as this thesis argues, there needs to be an initial interest from the public for the process to work and therefore it appears Scrutiny is struggling to make an impact in this respect.

2.10.6. Summary.

The debate over the most prominent roles of Overview and Scrutiny demonstrates the variety and different emphasis placed upon roles within Scrutiny across the UK, as well as the relative uncertainty about what specifically it should involve.

Ashworth and Snape note that one of the consistent findings of research is that the Scrutiny process is struggling (Ashworth and Snape, 2004, pp.542-543). They note an imbalance in the roles being undertaken. Whilst some will be making progress, others will be chronically underused.

In deciding where to focus their work, Leach advocates concentrating where it can “*make a difference*” or “*add value*” (Leach, 2005, pp.5-6). However, it is about much more than outcomes – if open and informed debate occurs which gives greater knowledge to elected members and the Authority in general, Scrutiny can be seen as beneficial.

However, in analysing all the different roles for the Scrutiny process to undertake, one element becomes apparent which is not highlighted in the literature. Some of the roles compliment each other well but, for example, the roles of policy development and holding the Executive to account tend to

conflict. Policy development is arguably supporting the Executive in improving the Authority, but this can conflict in holding them to account if you have played a role in developing that policy (Ashworth and Snape, 2004, p.551).

But as previously noted, most Authorities find a way around this by focusing on one or two particular aspects of Scrutiny. Of these it is apparent the most popular choice is the policy development and review aspect. However, the choice of the particular role may indicate a number of other factors. This could include the overall political style and ethos of the Council, the background and nature of the Authority and the aspirations and intentions of the elected members involved. This thesis shall seek to assess factors such as these and whether they play a role in the process and outcomes of the Scrutiny process.

2.11. The 'Culture' of Councils.

As previously detailed, the Local Government Act 2000 failed to safeguard the powers available to the Scrutiny process, so it relied upon a culture of fair play existing within Councils. If it was not an afterthought (as the Government claim), then they obviously believed that traditional cultures would be re-shaped under new practices. Clearly, if Executives are bestowing the powers available to Scrutiny, then the Government must have thought the practices of secrecy and preserving power would evaporate.

However, as has been shown, there are concerns that traditional practices are re-emerging and the lack of legislative prescription has allowed traditional cultures to re-establish themselves. Frequently, authors have stressed that changing the culture within an Authority is key to ensuring "*real success*". (Audit Commission, 2002a, p.12, Snape, Leach and Copus, 2002, p.79)

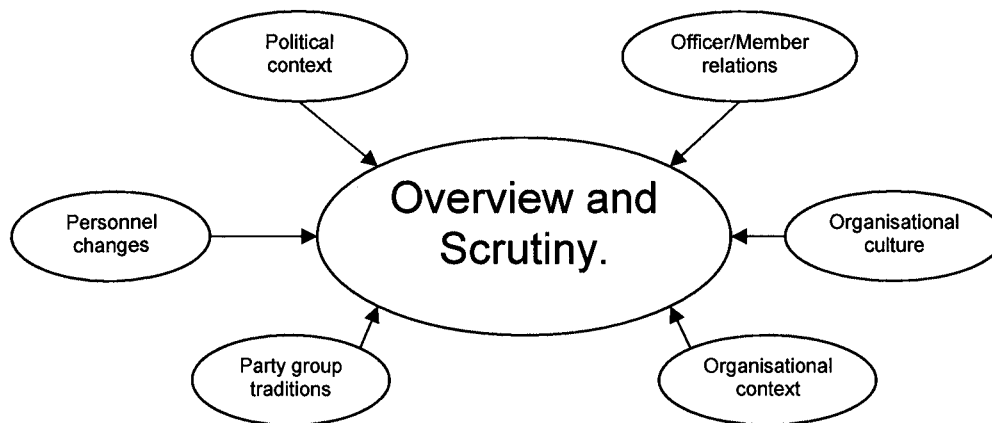
'Culture' in this sense can be described as;

"Ways of working are supported by the culture of an Authority or the set of beliefs and attitudes that underlie a way of working. Culture is conveyed over time by a combination of experience and by accepted discourse. Experience is carried forward through the gradual turnover of Councillors and officers and by the continuities 'of the way things are done here' which newcomers find they have accepted before they have had the opportunity to challenge them. ... Culture reflected in discourse expresses beliefs and attitudes both about how the Authority should behave, the ways of working and the proper role in Local Government."
(Stewart, 2000, pp.19-20)

Whilst the importance of the culture of a Local Authority has been clearly identified, no real assessment has been made of the impact that it can have on Scrutiny. Some key questions relate to whether Scrutiny merely reflects the dominant culture, or whether Scrutiny is independent enough to lead a move to a different approach. It is apparent that this has a major influence on the way that Scrutiny will operate. However, as yet, only an assessment of the impact of the traditional party political culture in each Authority had been considered. This has left a significant gap where the cultural framework of the Authority has not been assessed. This is an issue this thesis shall address.

What has increasingly become apparent is that the Scrutiny process is tremendously fragile, with any number of factors placing pressure and strains on the process (Figure 4). How these all combine determine how Scrutiny performs. Ashworth and Snape *"argue that deep-set contextual issues shape not only the behavioural and attitudinal factors but also the constitutional factors;"* (Ashworth and Snape, 2004, pp.552-553).

Figure 4. Local pressures upon Overview and Scrutiny.



Leach's paper '*Three Scenario's*' (2001b) demonstrates that Scrutiny finds itself at the heart of the Authority's culture.

The *Executive dominance scenario* demonstrates a strong culture of control politically as well as an organisation that has fixed its attention upon decision-making. A *representative dominance scenario* reflects a more open structure willing to face challenge and be innovative in recognising and involving all elected members in decision-making. *The balanced approach* can be seen as the 'ideal-type' model since this reflects a balanced culture that is seeking to carry out the aims of the modernisation agenda (Leach, 2001b, pp.8-10).

Johnson and Hatter believe that the Scrutiny process must be treated seriously; a true alternative to the Executive, rather than as a "second prize" (Johnson and Hatter, 2004, p.14, Leach, 2001a, p.3). It requires commitment and motivation from those involved in the process for it to work, but more is needed. For motivation to increase the Scrutiny process must be valued by the Executive and given a high profile within the Council but they found this was not the case (Johnson and Hatter, 2004, p.4).

Within their Authority Johnson and Hatter found elected members and the Executive held Scrutiny in a low regard and this produced a system where Scrutiny was seen as peripheral rather than central. This had a detrimental impact upon the effectiveness of Scrutiny in providing effective and transparent, decision-making. This thesis will seek to investigate further this relationship between the majority group and the Scrutiny process, placing the eventual outcomes in the context of this relationship.

The Government appeared intent on changing the culture of Councils through changing the structures. This appears somewhat naïve. It needs to be questioned whether this was sufficient to bring about the desired culture change after decades of working in the same manner.

This is particularly relevant in light of the aims of this thesis since the traditional culture is arguably predominantly one of strong party domination. Allowing old practices to re-emerge will see this traditional behaviour continuing since the party element of Local Government underpins virtually all its activity (Walker, 2000, pp.9-10). It remains one of the most prevalent difficulties within local politics (Leach, 2005, p.25).

2.12. The Impact of the Party Group System.

As this thesis has already shown, party groups were central to the lack of accountability and transparency. Since parties have become the “*most important theatre for local representation*”, the democratically established structures had largely become an illusion (Copus, 2000, p.76).

For Copus, Councils consist of “*organised and disciplined blocs of Councillors, speaking and voting largely as one, and cohering around a party political label.*”

Therefore, organisation and presenting a united front in public reign supreme (Copus, 2001, p1). Clearly for the new political arrangements to function effectively this situation needed to be resolved satisfactorily. As Polidano argues, to investigate dispassionately is essential, because without that Committees “*would become no more than an extension to the main debating chamber*” (Polidano, 2001, p.259).

It was felt that competitive political behaviour was not the best environment for producing objective conclusions since proposals may be rejected because of their source rather than their detail (Audit Commission, 2002a, p.5). The Government clearly wanted to continue the benefits parties bring to Local Government (Figure 5) whilst eradicating their negative, controlling influence (Figure 6). The advantages parties bring to Local Government can be summarised as organisation and structure.

Figure 5. Advantages parties bring to Local Government.

(Source; Copus, C. (2000) p.80. Wilson, S. and Game, C. (2002) (3rd Ed) p.293)

- It brings direction, certainty and consistency to decision-making and policy.
- It encourages Councillors to govern the Authority as a whole rather than narrow sectional issues.
- Councillors work as a group to deliver/oppose a policy platform endorsed by the electorate.
- In broad terms, with majority control the group system highlights political responsibility and accountability.
- Provides a private, protective environment to consider issues.
- More candidates meaning fewer uncontested seats.
- Clarification of issues, since the oppositional model leads to challenge and debate over the issues.
- Governmental coherence. Usually, a single party makes up the administration. This makes it clearer to see and understand who controls power.

For Copus, maintaining group cohesion and discipline became more important than openness, transparency, responsiveness and accountability, and since they are the aims of the Government’s democratic renewal agenda, parties

require a change in practice (Copus, 2001, pp.13-14). However, Copus believes it is not political parties per se that is the problem, rather it is the group system that causes tension with Scrutiny (Copus, 2000, p.80). This is something that Cole also found in his study of Devon County Council (2001, p.242).

Figure 6. Negative consequences of the party group system.

(Source; Copus, C. (2000) p.80-1. Wilson, S. and Game, C. (2002) (3rd Ed) p.297).

- Hides political responsibility
- Masks individual accountability
- Groups, as closed theatres, exclude the citizen, resulting in representation and decision-making remains secret, diluting transparency and accountability
- It can generate a crisis of representation for the Councillor with group loyalty colliding with the demands of local representation.
- More party candidates, centrally organised and funded, reduce the chances for local independent candidates.
- Electoral boredom. The perception of the “same” parties standing over and over again.
- Excessive party politicisation of issues, often resulting in a rhetorical party debate.

Overview and Scrutiny gives elected members the opportunity to move beyond arguing over party issues and develop new ways of working; a wide range of roles and methods to produce beneficial outcomes (CfPS and Shared Intelligence, 2005, p.7). But it is clear that the group system is still proving problematic in this respect.

Indeed, Copus notes how the Government acknowledged that the party group can damage accountability and transparency but offered no advice or strategy on how to transform the group system into an open and accountable political process (Copus, 2000, p.77). So again, the responsibility to do this was passed down to Local Authorities and powerful individuals at the apex of the party group to ensure that the Scrutiny process became free of party considerations.

With a key role for Overview and Scrutiny being holding the Executive to account, it appears inevitable that political dynamics will develop. The only way this would not occur is if Councils were non-partisan, a proposition supported by the public but an unlikely scenario nonetheless (Wilson and Game, 2002, p.288). The majority of Authorities will be made up of a single-party Executive needing to be held accountable by a mix of Opposition groups and majority party members outside the Executive. Opposition groups attempting to hold Executives to account can fall into the trap of being seen as attacking the majority party. This can provoke a defence of their colleagues from the majority party members, indicating how easy it is for the process to degenerate into party squabbling. There is a need to oppose and criticise but at what point does it develop into political arguments and point-scoring?

That the role of 'holding the Executive to account' is under-developed amongst Councils could be attributed to this particular feature. Indeed, Johnson and Hatter believe post-decision Scrutiny is more adversarial. This will introduce 'tribal' party loyalties since there is a direct challenge to the majority party, as opposed to pre-decision Scrutiny which can build consensus and be based upon finding the most beneficial solution (Johnson and Hatter, 2004, p.12).

Research and analysis by Polidano suggests that Committee structures are far from ideal environments in which to conduct investigations designed to aid accountability, free from party politics. His evidence challenges the Government's view that Scrutiny can achieve its goals of transparency and accountability free from party considerations (Polidano, 2001, pp.249-275).

For Polidano, the urge to defend their colleagues see majority party members adopt defensive stances, in contrast to opposition parties who view this as an

opportunity to embarrass their political opponents. In analysing the 1998 Foreign Affairs Committee's investigation into the Sandline Affair, Polidano demonstrates how the compulsion felt by majority Labour members to defend their minister brought equal determination from opposition groups to criticise the same minister (Polidano, 2001, pp.249-275).

Therefore, the role and capacity of groups, in particular the majority party to have an influence over a supposed party-free arena is great. Leach and Game describe the approach taken by parties as *"the most crucial ingredients in the success or failure of the new arrangements in all authorities..."* (Leach and Game, 2000, p.40).

Leach and Copus consider three scenarios of different local authorities identified through their own research, and analyse how the actions of the political groups within the Authority impact on Overview and Scrutiny (2004, pp.331-354). In light of the aims of this thesis, this work is extremely informative and useful.

Of the three key factors they identify as influencing the Scrutiny process (in addition to chairing, work programmes and co-option), two have particular relevance for this thesis. The first of these is the political composition of the Council, and the second is the degree of unity within the majority group (Leach and Copus, 2004, p.347).

Regarding the political composition of the authority, the authors consider what would bring about both strong and lenient party control. They hypothesise that party discipline is least likely to be relaxed in a majority-controlled Authority, which is dominated by two partisan perspectives. In particular, this would be

the case in Authorities where the opposition group have (or believe they have) a real opportunity of success at the next election (Leach and Copus, 2004, p.348). In contrast to this, they believe that discipline is most likely to be relaxed when the opposition is weak or divided, the authority is hung without a joint administration or party politics is de-emphasised and low-key in the Authority.

Leach and Copus believe that if the majority group is “cohesive and unfactionalized in nature” then party discipline is more likely to be relaxed. Albeit, within this relaxation, the potential still exists for discipline to be adopted on specific occasions in order to keep the public criticism of Executive members down. The authors also note that if the opposition group attempts to make “*political capital out of this ‘openness’*” this relaxation of group control may no longer continue. However, if the majority group is not united then the potential exists for Scrutiny to be used by the opposing factions of the group to make political capital (p.349). Again, this article by Leach and Copus clearly demonstrates the importance of the attitude of all political groups in the Scrutiny process.

The author’s note;

“... that further research into the under-researched area of the political party group is required. Then we will discover whether (or how far) groups, and the councillors, that comprise them, are prepared to change practices and behaviour to ensure that Overview and Scrutiny becomes a powerful element of the new arrangements, or, whether the group system is will defeat attempts to make local politics more open, transparent, accountable and accessible to those it claims to represent.”
(Leach and Copus, 2004, p..353)

Specifically focusing upon the majority political group, this is the key question this thesis shall be aiming to answer, placing these actions in the context of the aims of Local Government modernisation.

Based on this work by Leach and Copus it is clearly debatable who should set the context for party behaviour within Scrutiny. One could argue that it would depend upon who was given the leading role within the process. Leach and Game appear to be putting the onus upon opposition members to do this;

"If opposition parties use it as an opportunity for an Executive-bashing exercise, carried out in adversarial style, non-Executive majority party members on the Scrutiny panels are likely at the very least to remain silent and probably to leap to the defence of the cabinet colleagues. If opposition members adopt a more balanced perspective, it is reasonable to suppose that majority party members will act in a similar way, criticising where they feel this is necessary, praising where they feel praise is due."

(Leach and Game, 2000, p.42)

This is a fair but perhaps rather simplistic explanation of what occurs. As has been noted earlier, the tendency is for majority groups to take on a greater role within the process, so it would not be unfair to assume their actions will have a much greater impact upon those of opposition groups than vice versa. Snape and Taylor believe one of the problems of Scrutiny is the marginalisation of the opposition and the domination of the majority party. They believe that majority party members may see the opposition as damaging the Executive so they can control Scrutiny in a way to limit this avenue for attack (Snape and Taylor, 2000, p.195).

The bulk of the research has also uncovered considerable tension between the party group system and Scrutiny, demonstrating the relevance of this thesis' focus (Copus, 2001, Leach and Copus, 2004). As Scrutiny Committees must

be politically representative the propensity for the majority group to stifle the process is huge (Ashworth and Hunt, 2003, p.22).

The House of Commons Transport Local Government and the Regions Select Committee again report that Scrutiny is being used in a political manner, even when no whip is applied (House of Commons Transport Local Government and the Regions Select Committee, 2002, p.17). Stoker et al found that in majority-party systems, Scrutiny tended to focus upon policy development as a way to avoid party conflicts. This is particularly relevant in the context of this thesis' arguments since this suggests a tension between the majority group and Scrutiny processes. This reluctance to directly 'scrutinise' negatively impacts on its effectiveness in relation to the main aims of the Scrutiny process.

As previously described, parties are still a major part of Council business. Therefore it can be expected that elected members will feel an attachment and loyalty to their party, often because the party label is such an important aspect of gaining election. So, whilst Scrutiny requires an approach where a questioning of their party group members is necessary, many elected members are reluctant to carry this out, particularly in public and in view of their political opponents.

Copus rightly points out that this loyalty distorts the representative nature of Local Government (Copus, 2000, pp.81-82). The ODPM report and Ashworth found elected members were hesitant to be critical since they believe the party is the legitimate arena for debate and criticising of party members and their decisions (Ashworth, 2001, p.14, Snape, Leach and Copus, 2002, p.76 and p.87). It Research strongly suspects that this is occurring but it is very difficult to substantiate this suspicion (Copus, 2000, pp.81-82, pp.87-88).

In some Authorities Dungey uncovered a strong majority party inhibiting and intimidating Scrutiny into not challenging the Executive (2003, p.2). This is particularly interesting for this thesis' argument since it will be examining this possibility in several Authorities. Also, Ashworth and Hunt found appointments to Scrutiny came almost exclusively from the party group. They also uncovered strong party controls through pre-Scrutiny group meetings. In relation to opposition groups they found cases of the appointing of 'safe' chairs as well as the undermining of opposition party chairs (Ashworth and Hunt, 2003, p.22, pp.23-4, p.39).

Since the Chair is central to setting the tone and agenda of the Committee, groups have great interest in who fills that role and research suggests that in many cases they seek to control the system through the chairs. The most prevalent method to become a chair is via nomination by party or party leadership, demonstrating the potential for groups to strongly influence how Scrutiny operates (Ashworth, 2001, p.3, Ashworth and Hunt, 2003, p.22). Ashworth also found that many chairs appear as uncritical supporters and are seen as safe choices by the party leadership (Ashworth, 2001, p.13).

The House of Commons Transport Local Government and the Regions Select Committee advocated allowing opposition chairs of Scrutiny, although they felt it would not be beneficial to make this mandatory (2002, p.14). Leach agrees with the principle of sharing chairs, feeling there should be a priority given towards minority groups in allocating roles, since this demonstrates a willingness by the majority group to be subject to effective Scrutiny (Leach, 2001a, p.11, Leach and Copus, 2004, p.350).

Several Local Authorities have taken the step of appointing Scrutiny chairs from opposition parties. While this demonstrates a willingness to being held accountable, it can also lead to the Committee being seen as simply opposing the Executive regardless, leading to a breakdown in relations between the two. However, opposition chairs could be chosen because they are agreeable to the majority party, hence they can be just as 'controlled' as a chairperson selected from the majority party. This may present the image of an Executive being open and happy for Scrutiny to work as was intended, but the reality will be much different (Snape, Leach and Copus, 2002, pp.77-78).

If majority parties take the view that they should be chairing all the Scrutiny Committees, then Leach, Skelcher et al believe this indicates a need for control and unwillingness to allow effective Scrutiny (Leach, Skelcher et al, 2003, p.36). The opposite of this (that opposition members chair all Committees) indicates an obsession with opposition, and they, like numerous other accounts advocate a process of shared chairing (Leach, Skelcher et al, 2003, p.37). Maer and Sandford believe it is important that parties understand that such a position in Scrutiny does not represent power in the way it did under the Committee system and shared chairs ought to be encouraged (Maer and Sandford, 2004, p.7).

This section has reviewed the impact that parties can have in Scrutiny. It has shown that should they wish to control, disrupt and restrict Scrutiny then they can do so. It has also demonstrated that the political will for effective Scrutiny (particularly from the majority group) is possibly the most necessary pre-condition for Scrutiny to flourish and succeed.

From this Copus has argued that party groups are unlikely to initiate change. They exist to maintain and preserve power, so any move to loosen their grip is unlikely to work. Steps may be taken to present an image of openness and a willingness to change but based upon his investigation, Copus believes party groups will continue to dominate. They will adapt and move with the changing structures but will always retain as much power as they possibly can (Copus, 2000, pp.91-92).

To help explain this Copus has devised a typology for how party groups could react to the Executive and Scrutiny split (Figure 7).

Figure 7. How political groups may react to Overview and Scrutiny.
(Source: Copus, C. (2001). pp. 7-11 and Leach and Copus, (2004) pp.340-341.)

Type.	Party characteristics.
'Group as Partner'	<ul style="list-style-type: none"> • Discipline is relaxed. • The group acts as an advisory and deliberative body for Councillors to consider issues. • No pre-Scrutiny meetings. • Members have freedom to express opinions freely.
'Group as Arbitrator'	<ul style="list-style-type: none"> • Group establish a legitimate decision-making role for itself. • They recognise the need to allow its members discretion hence the whip is used sparingly. • Members have knowledge of their group's views but they are not bound by its decisions.
'Group as Filter'	<ul style="list-style-type: none"> • The group places itself between the Executive and Scrutiny to deliberately interfere and manipulate the interaction between the two. • Members are not formally whipped, but within full Council they are expected to abide by the whip regardless of the decisions taken in Scrutiny.
'Group as Leviathan'	<ul style="list-style-type: none"> • The group commands and receives absolute loyalty, using all methods available to command this loyalty from its members

Copus does not believe the '*partner*' type would establish themselves since this would not undermine parties' ability to be the leading decision-making body in local politics (2001, p.7). Nor would the '*arbitrator*' become prevalent since it will still allow elected members a certain degree of freedom to express their own views which could potentially damage the party's public appearance (2001, p.9).

The two types Copus believed would be most frequently adopted by party groups were the '*group as filter*' and the '*group as leviathan*' models. The '*filter*' model shows the intent of the group to accommodate the new arrangements, within their sphere of power, but not to publicly compel its members into a course of action. The '*leviathan*' model, which Copus believed reflected "*the way in which the party group system currently plays itself out in the majority of Councils prior to the introduction of Executive arrangements.*" (2001, p.11) reduces Scrutiny to a worthless political exercise.

However, this section has shown that Scrutiny is an environment where party politics is not explicit. Members do not act politically towards each other in an antagonistic manner (Snape, Leach and Copus, 2002, p.18, p.76). It seems the biggest problem caused by the existence of the party group is the loyalty elected members give to their own group, restricting themselves into supporting what they see as the party line.

2.13. Councillor Motivations and Involvement.

It cannot be emphasised enough how the role of the elected member was radically transformed by the Local Government Act of 2000. The 'comfort zone' of traditional Committees was now gone and Councillors were told to embrace

the challenge of modernisation. Needless to say, this was probably more in hope than expectation.

In particular, it was instantly identifiable that elected members would need to be much more proactive. The opportunities were there, but elected members now had to make them happen for themselves. For those brought up in the traditional structures this would prove to be a huge challenge.

Fenwick et al identified three groups of elected members emerging under the new arrangements;

- a) Executive members with decision-making power.
- b) Scrutineers who participate, and
- c) Backbenchers who are excluded.

(2003, p.36)

The second and third types are particularly relevant to Scrutiny since it is clear there is great divergence in the involvement and appetite for Scrutiny amongst elected members. The CfPS' Scrutiny survey in 2003 uncovered over five and a half thousand elected members engaged in the Scrutiny process across the UK (2003b, p.1). It is their attitudes to this role that are central to its success in providing transparent, accountable decision-making.

Therefore the Scrutiny process can suffer because of the concern amongst elected members that their ability to influence decisions had gone. Initial resistance was inevitable, and as shown by Rao was considerable (Figure 8).

Figure 8. Initial Reactions to the Proposals by Elected Members.
(Source: Rao, N. (2005) (ODPM), p.9)

Strongly in Favour.	5%
Favoured	24%
Indifferent	19%
Opposed	28%
Strongly Opposed	17%
Don't Know	6%
No response	1%

The Audit Commission in its 2002 survey of Chief Executives, identified the detachment of elected members from the Scrutiny process as the most significant on-going problem, something later found by the Select Committee looking at the Act, which found that members felt excluded (2002, pp.7-8). A similar survey found that Chief Executives did not feel that the separation of functions gave elected members an enhanced and rewarding role (Harbour and Wilson, 2003, p.56).

Fenwick et al found that whilst the motivation to bring about change attracted Councillors, their ability to effect change was no longer occurring and consequently the role of a Councillor was seen as less satisfying (2003, p.33). While Fenwick and Elcock chronicle the difficulties elected members are having in coming to terms with the arrangements for Scrutiny – over 70% of those not in the Executive feel ‘less effective’ than before (2004, p.523).

It was a common theme in the literature that *“Scrutiny members feel deprived of any decision-making powers and deprived of information about what is going on.”* (LGA Lib Dems, 2001, p.5). From studying a single case, Johnson and Hatter found non-Executive Councillors felt less well-informed about Council business since the Local Government Act 2000 (2004, p.7). While this is based upon a single case study, it does appear to be a problem experienced across

the country with Stoker et al noting it as the primary concern elected members had in relation to the new arrangements (2003, p.49).

Of these members it is clear that long-serving Councillors are generally (although not exclusively) proving to be the most challenging group to interest in Scrutiny. Evidence suggests that newer elected members who do not have the level of attachment to the traditional Committee system are more adept at accommodating to the new arrangements (Centre for Public Scrutiny, 2003a, Leach 2001a,). Furthermore, Councils with high turnovers of elected members found the transition to be much smoother (Stoker et al, 2003, p50).

Again however, there is little advice forthcoming from Central Government as to how Councils can resolve these difficulties. In their response to the Select Committee, the Government acknowledge this is a problem yet shift the onus onto individual Councils to remedy the situation themselves, stating that they have instilled a framework where all Councillors can play important roles and it is for Councils and Councillors to take advantage of these. (HM Government, 2002, p.5)

There are many elected members who are still unclear as to the specific nature of the role they are conducting. This further demonstrates the lack of communication within the new political structures (ELG, 2004, pp.10-11). A contributing factor to this could be the large number of roles that can be carried out within the Scrutiny process. Another factor may also be the lack of clarity provided in the guidelines provided by Government. Therefore the onus has fallen on individual Councils to inform and educate elected members.

2.14. The Role of the Overview and Scrutiny Member.

The introduction of Overview and Scrutiny has had a major impact on the role of the elected member. The Government wanted Authorities and its elected representatives to take a more modern approach towards their communities and this appeared to mean that a new type of Councillor was needed.

The key member role within Overview and Scrutiny is that of the Chair. To chair an Overview and Scrutiny Committee is fundamentally different to that of chairing a traditional Committee. Since the process was designed to be member-led, it is important that Chairs are strong leaders who drive the process forward. Snape and Taylor offer an extensive list of duties Chairs can be expected to undertake. (Snape and Taylor, 2000, p.196 and 2001, p.9)

Obviously, to do these requires training to be undertaken so the Chairs can provide the guidance for their Committee, since, as Johnson and Hatter report many members feel Chairs are inadequately skilled to lead the process (Johnson and Hatter, 2004, p.7).

For this thesis' own investigation into different political majorities and the Scrutiny process, the role of the Chair is of great importance. Johnson and Hatter found the culture and practices within the Committees depended very heavily upon the type of Chair (Johnson and Hatter, 2004, p.7). Ashworth particularly stresses the importance of Chairs within a system where there is one dominant party since it is the Chairs who need to remain strong in order to provide a robust challenge to policies and decisions (Ashworth, 2001, p.10).

If, as we have seen, Chairs can be selected due to their 'friendly' and perceived uncritical attitude towards the Executives, then it is clear that Scrutiny will not

work in the way it is intended. The ability of Chairs to be an example to the rest of the Committee is key to Scrutiny providing transparent, open and accountable decision-making.

However, the Local Government Act 2000 radically altered the role of all elected members and work by Snape and Dobbs highlighted this change, analysing a number of typologies that aimed to characterise the different roles played by Councillors (Figure 9).

Figure 9. The role of a Councillor – traditional and modern typologies.
(Source; Snape, S. and Dobbs, L., 2003)

Author	The roles of a Councillor
Traditional Councillor typologies.	
Heclo (1969)	<ul style="list-style-type: none"> • Committee member. • Constituency Representative. • Party activist.
Jones (1973)	<ul style="list-style-type: none"> • The representative. • Specialised policy-maker. • Broad policy-maker.
Byrne (1994)	<ul style="list-style-type: none"> • Representative. • Ombudsman. • Community leaders. • Managers. • Policy-makers. • Politicians.
Wilson and Game (1994 and 1998)	<ul style="list-style-type: none"> • Representative. • Policy-maker. • Manager. • Monitor and Progress Chaser.
Overview and Scrutiny typologies.	
Sweeting (1999)	<ul style="list-style-type: none"> • Community leader. • Scrutineer. • Policy-maker. • Partner.
Wilson and Game (2002)	<ul style="list-style-type: none"> • Representative. • Policy-maker. • Scrutineer. • Community leadership.
Snape and Dobbs (2003)	<ul style="list-style-type: none"> • Representative. • Community Leader. • Policy-making. • Monitor and Progress Chaser. • Party Activist.

The appearance after 1999 of the “scrutineer” represents the next stage of this evolution of Councillors’ role but Snape and Dobbs critically analyse how the introduction of Scrutiny has impacted on these other roles for elected members.

They felt the representative role and party activist were likely to be undermined by Scrutiny and this appears to be demonstrated by many elected members feeling disengaged from the process (Snape and Dobbs, 2003, p.14). As Davis and Geddes argue;

“It is by no means apparent that the new arrangements are actually freeing the time of non-Executive members and enabling them to enhance local community representational roles...”

(Davis and Geddes, 2000, p.19)

Clearly elected members viewed their representative role as most important and, for the vast majority of elected members; the ties of party loyalty are very strong indeed. To undermine these would clearly initially produce a negative response. However, Snape and Dobbs argue Scrutiny can greatly enhance community leadership as well as having policy-making influence. Although initial evidence suggests Scrutiny is a hugely time-consuming activity, the two roles can be aligned together. This does not appear to be the case in practice, since Scrutiny members are finding themselves busy with work rendering them unable to be active community representatives (Stewart, 2003, p.89).

This is particularly important in gaining the support of Councillors since, as this section has shown they particularly value the ability to shape decisions and the Scrutiny process provides a greater role for elected members than the Committee system used to. Within this framework, Councillors only voted at the end to ratify a particular decision, whereas in Scrutiny they have the

opportunity to study an issue in-depth, hear from a range of individuals, gain true knowledge and expertise around that area and have a greater and more satisfying input into policy.

The bulk of the evidence suggests that members are unhappy with the new arrangements. Even the guides disseminating best practice offer points in order to capture the minds of these elected members. Therefore the picture presented of elected members' attitudes towards Scrutiny appears to be negative, although most authors such as Fenwick et al do note that the majority of Councillors are reasonably happy with their new roles, albeit with a few minor complaints (2003, pp.35-36).

2.15. Summary.

This chapter has reviewed the current research on Scrutiny practice and procedure across the United Kingdom. There are many areas where it is proving to be an effective and worthwhile tool for elected members to become involved in the running of their Authorities. However, it has also demonstrated that there are a number of difficulties hindering its effective development.

The Labour Government approached Local Government with an agenda for change. Through the 'democratic renewal' programme they radically altered the way that Local Government made decisions and their relationships with the community. Central to this process were the structures of Local Government. The traditional Committee structure was abolished and in its place came a more concentrated form of decision-making. Executive Cabinets were established to take on a more high-profile lead and responsibility for decisions. Alongside this was a system of Scrutiny, designed to act as a counter-balance to this

Executive power. It was intended to scrutinise the decisions taken by the Cabinet and ensure that those taken were correct.

It has been argued that Scrutiny was more of an afterthought of the Government and certainly, the lack of legislative guidance on this role hindered early progress for many Authorities. Authorities were quickly left with new structures, a largely dis-satisfied group of elected members and no real guidance on how to make this process work. Consequently, Scrutiny has been regarded as an underperforming and troublesome function. Unquestionably it has great potential to add considerable value to the way that the Authority interacts and represents with its community.

The lack of guidance has led to Councils forging their own responses resulting in the emergence of a huge variety in practice across the UK. Despite this, several factors re-occur, which appear to demonstrate that despite this variety, the same difficulties and conundrums are evident.

It is believed that the individuals who work within Scrutiny and the circumstances around them are more important than structures and processes. The attitudes of elected members, both within Scrutiny and those in the Executive are paramount to any form of effective Scrutiny taking place. Secondary factors such as the level of officer support, the overall resources provided and political background also play a role. Furthermore, the literature has demonstrated that the role of traditional party politics is continuing to hinder the Scrutiny process realising its full potential.

This review has demonstrated that research into the political aspect of the Scrutiny process has tended to focus upon traditional models of party political

behaviour. A gap exists in the literature in terms of the impact on Overview and Scrutiny of the ethos and attitude prevalent in each Authority. Whilst the concept of the culture of the Authority is well-established, no real assessment has been made of the impact that it can have on Scrutiny. This thesis will examine the extent to which the Scrutiny process reflects the culture of the Authority, or is Scrutiny leading a break from the traditional cultures in the Authority? It is apparent this has had a major impact on the way Scrutiny will operate but as yet, very little has been done beyond assessing the impact of the traditional party political culture in each Authority. This gap is one that shall be addressed by this thesis.

The literature has also detailed the large imbalance in the roles being undertaken within Scrutiny, with the most popular choice being in policy development and policy review. Reasons forwarded for this is that it engages the minds of elected members and is the quickest way to achieve success. Whilst this is true, the choice may indicate a number of other factors. This could include the political style and ethos of the Council, the background and nature of the Authority and the aspirations and intentions of the elected members involved. This thesis shall assess these factors and determine whether they play a role in the process and outcomes of the Scrutiny process.

This thesis believes that central to the ethos of the Authority is the attitudes of the majority group. This review has shown its importance in ensuring that the Scrutiny process is a successful tool. However, no research has looked at the issue of whether a political will for it to succeed from the majority group results in a strong and robust Scrutiny process.

Within Overview and Scrutiny the tendency is for majority groups to take a greater role in controlling the process. It is logical to assume that their actions and attitudes will have a greater impact upon the system of Scrutiny. As yet, no research has analysed how one group's behaviour can impact on Scrutiny. This thesis aims to fill this gap.

In addition to this, previous research has shown that there is some political difference (albeit not uniform across same groups – Stewart, 2000, p.134) between groups in terms of how strictly they govern their own elected members (Stoker, 2000, p.161. Gyford, Leach and Game, 1989, p.29, Wilson and Game, 2002, p.289). This provides the basis for this thesis to combine the analysis of the actions of majority groups as a whole with a comparison of how the different majority political groups interact with the Scrutiny process.

3. Methodology.

The purpose of this thesis is to;

- Evaluate the impact of majority party groups on Scrutiny and identify methods through which they interact with the process.
- Determine whether, in the view of elected members the role of Councillor has benefited from the creation of Scrutiny.
- Determine the impact of the culture of the Local Authority on Scrutiny.
- Identify the key factors for 'successful' and 'weak' Scrutiny.

This chapter aims to identify the methods that would prove most successful in uncovering these answers. However, firstly it is important to establish what constitutes social reality and what is considered as valid knowledge? Ontology is what is considered to be social reality and epistemology is debates over what can be considered as valid knowledge within this reality. It is important to distinguish between these since they are needed to align together to contribute a robust methodology.

3.1. Theoretical Approaches.

3.1.1. Ontological Considerations.

Ontologically, there were two main positions to choose from. The first of these was positivism. Positivists start from the basic premise that scientific approaches used within the natural sciences can also be applied to the social sciences;

"The positivist seeks the facts or causes of social phenomena with little regard for the subjective status of individuals."

(Bogdan and Taylor, 1975, p.2)

The central components of positivist thought are outlined by Denscombe (2002, pp.14-15);

- a) Just as there is in the natural world, patterns and regularities exist in the social world.
- b) These regularities exist independently and are out there, waiting to be uncovered.
- c) These patterns exist through a process of cause and effect. There are no random events.
- d) Researchers do not create these patterns, they merely discover their existence.

The alternative approach to positivism was interpretivism. Whilst the methods under this blanket term have different approaches, they all have at their core a rejection of central positivist tenets (Denscombe, 2002, p.18);

- a) Social reality is subjective rather than an external reality that exists independently. The world is a social creation that becomes understood through human actions.
- b) Humans react to being under study. They have a level of self-awareness that does not exist within the natural world.
- c) Humans react to the knowledge produced by being studied. The knowledge has the ability to be absorbed by them to interfere with the initial findings.
- d) It is impossible to gain an objective knowledge, and for social research to be uninfluenced by values and expectations of the researcher.

- e) Grand theories are not possible. Since explanations inevitably are influenced by researchers values, it is inconceivable one truth will exist to explain the social world.

3.1.2. Epistemological Considerations.

The epistemological approach this thesis adopted is rooted in phenomenalism. In this the researcher wishes to understand “*human behaviour from the actor’s own frame of reference. ... The phenomenologist examines how the world is experienced. For him or her the important reality is what people imagine it to be.*” (Bogdan and Taylor, 1975, p.2). It is the beliefs and ideas and through these, the actions of the Councillors within Scrutiny, which constitute the weight of the evidence in this thesis. It attempts to understand how they view the Scrutiny process from their own perspective.

This thesis firmly believes that the way people behave, in this case elected members, is a direct product of the way they interpret this ‘world’. This aligns itself with the phenomenological idea that we must capture this process of interpretation. To do so involves ‘entering’ their world and observing the process through the participants’ eyes. This process is what Weber described as “*verstehen*” (Rogers State University, 2006).

1. To perceive and comprehend the nature and significance of, to know.
2. To know thoroughly by close contact with or by long experience of the phenomenon.
3. To grasp or comprehend the meaning intended or expressed by another.
4. To know and be empathetic toward.

All four definitions all apply to this thesis. Through carrying out interviews, conducting a questionnaire and observing through attendance of Scrutiny meetings the aim was to be closely involved with the process and those participating in it. In particular, interviews allowed for the articulation of the different political views to determine the impact of the majority group upon the Scrutiny process.

It also enabled an interpretation of whether elected members are more actively engaged in the working of their Authority through Scrutiny, or whether they feel the political changes have diminished their role as elected members. From combining the results of the different methods, the thesis would be in a position to identify factors likely to lead to Scrutiny succeeding.

A positivist approach would have been counter-productive since perceptions of Scrutiny were needed. Furthermore, there was no desire to demonstrate facts through statistical analysis as this would exclude the most valuable element of the methodology. That is to understand the views and attitudes of the participants through interviews. As shall be explained later in this chapter, an element of quantitative research methods was incorporated into the research design but its principal aim was to frame the more substantial qualitative element to follow.

Furthermore the positivist belief that truth exists independently of the social world was not applicable to this thesis' research area. Local Authority Scrutiny only exists within a socially constructed framework of elected Local Government. Furthermore, within this framework exists a further one of the individual Authority, the context and background and its role within this Local Government framework. Without the theories of democracy, accountability and

the aims of each Scrutiny function (usually defined within a written constitution) the actions and events within Scrutiny have no meaning (Blumer, 1966, p.540). The world is socially produced and the meanings come through the interaction of humans in this world.

3.2. Designing the Research.

3.2.1. Qualitative Methods

Adopting a phenomenological approach meant that it was inevitable qualitative methods would be used. Initial plans leant towards conducting interviews with elected members within Scrutiny. However, it was recognised that in researching five Local Authorities, time constraints would be a strong factor in determining the methodology.

This pressure on time was exacerbated by the researchers active involvement in the Scrutiny process within Authority D. This meant that additional (less time-intensive) instruments would be required. Not every member within Scrutiny would be available for interview, particularly when the time and effort involved in transcription was factored in. However, it was essential that time was devoted to attending Scrutiny meetings for observation and to study documents relating to the Scrutiny function (see 3.2.3.).

The workings of an Overview and Scrutiny function are complex and could not be investigated comprehensively simply through a quantitative approach. Since the questions the thesis sought to address were dependent upon understanding the views elected members held, a predominantly qualitative approach was essential.

In order to gain true understanding of the process, it was necessary to become immersed in Scrutiny and gain an in-depth knowledge both from an insider and outsiders perspective. This was possible through operating within Authority D as part of a co-sponsored studentship. Carrying out the day-to-day tasks of providing support, research and advice to Scrutiny Committees meant the researcher was able to fully understand how Scrutiny operates and the problems that are faced on a daily basis by those supporting the process. This is not something instantly accessible to those researchers outside of the process.

It exposed the researcher to a wealth of information and knowledge about Scrutiny, not just within one Local Authority, but many others, through officer and member networks. It provided the capacity to build a holistic picture of the research area, taking the individuals and the structures and viewing them together (Bogdan and Taylor, 1975, pp.4-5).

Many areas can become 'closed' when subject to research investigation. This could be due to a fear of any potentially critical or damaging findings or a suspicion of the researcher as an outsider. Having this 'insider' knowledge and experience was a distinct advantage since it established legitimacy and confidence when dealing with research subjects. It also significantly enhanced the ability to understand the world from the perspectives of those being interviewed (Bryman, 2004, p.299).

However, being of a similar mindset to those within Scrutiny can be advantageous, but it can potentially hinder the research since there is the potential to lose the objectivity required to analyse information independently. It was important not to become pre-occupied with one particular view and

produce an objective and fair reflection of the research questions. Whilst the insider perspective would unquestionably be of importance to the thesis, measures were required at the design stage to ensure the fairness of the results.

To benefit from the differing insights required flexibility in terms of the types of questions asked. This could be provided by qualitative methods but not quantitative (Mason, 1996, pp.3-4). Qualitative methods allow the research subject the freedom to define the parameters of the research, rather than being constrained by choosing from “*a limited number of predetermined response categories...*” (Patton, 1990, pp.13-14).

Furthermore the literature demonstrated how a large number of factors influence and determine the nature of Scrutiny. Focusing solely upon statistical evidence would limit the opportunity to analyse the cultural and behavioural aspects at the very heart of a process involving individuals and groups. The work of Blumer in symbolic interactionism further strengthened the resolve for a largely qualitative approach. He argued that;

“Human beings are seen as living in a world of meaningful objects... This world is socially produced in that the meanings are fabricated through the process of social interaction.”

(Blumer, H. 1966, p.540)

3.2.2. Interviews.

The principal qualitative method employed was interviewing. This allows the researcher to uncover rich quantities of data in the manner required to answer the research questions. Interviewing provided the opportunity to understand people's feelings, emotions, experiences, perspectives and interpretations,

which allowed the interviewer to understand how the participants see their world (Blumer, 1966, p.536).

However, there was potentially a problem with interviewing. The researcher may, through their own personal experiences and perceptions, have entered the field with preconceptions. To counter this, the decision was taken to precede interviews and observation with the questionnaire. It would allow the data to emerge from the questionnaire and would allow any preconceptions to be based upon evidence.

Interviews are an invaluable tool often used by researchers because they have many benefits. For many research projects they answer the 'why' rather than the 'how many' questions (Stroh, p.198 in Burton, 2000). Also, a semi-structured interview allows the interviewees the ability to expand beyond the parameters of the questions and raise any issues of note, which may become important in the research. Employing a structured interview approach would mean that there would be little flexibility available to tailor interviews to the circumstances that may have evolved in each individual Authority.

A further qualitative method considered was focus groups. These could have produced a great wealth of data emerging from in-depth debate and discussion. However, it was felt that this would not be a beneficial approach for this project. Moreover a group comprising of elected members may have resorted to party political squabbles and considering the researcher has less control over focus groups than interviews (Bryman, p.359, 2004) there was the possibility that they may become counter-productive.

A group could have become dominated by one particular view or participant, thus excluding less vocal attendees from airing their views. It was also felt that many elected members may not be comfortable speaking in a public forum since the research questions were guided towards hearing the views of elected members on other political groups and other members, particularly their behaviours and attitudes.

Confidential interviews would allow the researcher to remain more in control of the process and ensure elected members had the opportunity to speak freely. Furthermore, focus groups required getting several people in a room at the same time compared to interviews, which only involve two diaries needing to be matched. Therefore, despite the opportunities that focus groups provide, it was felt interviews complimented by observation would be the best methodological approach.

3.2.3. Observation.

Observation is defined as being;

“Research characterized by a period of intense social interaction between the researcher and the subjects, in the milieu of the latter. During this period, data are unobtrusively and systematically collected.”

(Bogdan and Taylor, 1975, p.5)

However, there were several types of observation to choose from. The method chosen for this thesis was participant observation since it aligned itself with its phenomenological approach. Participant observation involves prolonged immersion in the research setting to be able to comprehend and understand the actions, views and words of those being investigated. Therefore, prolonged engagement would allow sufficient time to fully understand the structure and context of Scrutiny within the Local Authorities.

Observation takes the observer within the research setting, and would place them in a position where they could see the Scrutiny process operate and therefore allow a further dimension to emerge (Patton, 1990, pp.25-6,). It was critical for the researcher to witness Scrutiny to understand the context in which it operates and develop their own thoughts to compliment the views given in interviews and questionnaires (Patton, 1990, p.203).

An initial choice faced was whether the researcher was to act in an open or a covert manner. It would have been impossible to enter the field covertly considering observation would be complimenting interviews. Therefore, the researcher was open about their presence in the field. Ruane believes that in being open about the research the researcher retains the high ethical ground and any fears that a negative effect will be triggered by their presence is unfounded (Ruane, 2005, p.166).

Research also suggests that when actors believe they are being observed, they modify their behaviour from what it would otherwise be (Patten, 1990, p.209). The researcher may consequently be presented with a different view of events. Evidence suggests this fades over time (Webb et al, 1966, p.112). Bales argues that the knowledge that they are being observed does not influence individuals' behaviour (Bales, 1950). Despite this, the decision to include participant observation as part of the methodology was taken believing the observer can influence actions.

Within Authority D, it is important to note that observation only took place within Committees with which the researcher was not involved at the time. The work responsibilities for Committees varied over time allowing all Committees to be

observed at some time. Those who were being observed within this setting were made aware that the observation was taking place. This was particularly necessary since the possibility existed for individuals to believe the researcher was present to carry out their other duties. It was essential to establish clear demarcations of the role of the researcher and as part of this, the approach of participant as observer was followed. This reflected the role of the researcher in this group, in that they actually worked within the Authority in the Scrutiny process, but at the time of the research, they were more interested in observing and understanding than in participating. They had the role of a legitimate partial insider.

Within the remaining four Local Authorities, the role of the researcher in observation was that of a legitimate outsider, the observer as participant role. Whilst the researcher was not involved in the day-to-day activities of the Scrutiny process in these Authorities, they had a legitimate outsiders role, as they were recognised as being part of the Overview and Scrutiny community through their work within Authority D. Members were aware of the aims of the research taking place, and gave greater acceptance to the researcher in their group as they recognised the status of the researcher as a member in the wider Scrutiny community that existed through regional networks.

Within meetings in each Authority, the researcher acted as an observing member of the public. Since other members of public attended the meetings observed (on occasion), the researcher participated through being present in the 'event' that was each public meeting, without actively engaging with or influencing participants behaviour.

The two types of participant observation undertaken – participant as observer in Authority D and observer as participant in the remaining four Authorities, were different types and it needs to be explained how they still had the same outcomes. Due to the structure of the studentship, the researcher would always have a partial insider status within Authority D, but they would not be able to enjoy such a role within any other Authorities. However, the steps taken to avoid full participation within Authority D when observing meetings negated any possible bias in the observation. Furthermore, the status given to the researcher through their role in Authority D elevated the research within each of the remaining four Authorities, allowing for the collection of rich, detailed data in each Authority.

It was decided that alongside the observation would be document analysis. These documents were minutes of meetings and the final reports of the Scrutiny Committees. This also included on occasion other public documents relating to the work of Overview and Scrutiny. The documents would be read in an interpretive manner whereby the meanings behind the words would be sought (Mason, 1996, p.175). Having a permanent record of the outcomes allowed the researcher to pay closer attention to other matters in their observation.

Traditionally with document analysis it is important to consider who and what the documents are intended for. However these documents are public, 'official' documents so the necessity to consider this was not as essential. As a democratically elected and accountable body minutes and reports have to be factual accounts of events. They serve to inform the public and interested parties of events and decisions, so the aim of the document is to inform.

The aspects of qualitative research used in this thesis were designed to work alongside an element of quantitative methodology. The observation and document analysis would add an independent observer's view of the process. Interviews would give a particular individuals viewpoint of the process, which would be useful in understanding their actions and perceptions.

Interviews alone would produce an unbalanced view of the process due to elected members' having their own political views and loyalties. To add the independent factor of observation and document analysis was essential to ensuring the thesis produced robust and reliable results. Furthermore, in order to emphasise the robustness of the methodology and the quality of its findings it was decided that the first stage would be the quantitative element. This would provide the framework for the qualitative methods to be built upon.

3.2.4. Quantitative Methods.

Whilst the emphasis was clearly upon qualitative methodology, there was considerable value in conducting a survey of all Scrutiny members. The reasons for this were that;

- a) There would not be enough time to interview all members.
- b) It would allow some contextual data to emerge prior to interviews, so this could be followed up.
- c) It would provide a general template to aid comparison across Local Authorities
- d) Questionnaires can obtain four types of information, which would allow interviews to focus upon more in-depth issues. These four types are;
 - i) Attributes,
 - ii) Behaviour,

- iii) Attitudes,
- iv) Beliefs.

(Simmons in Gilbert, 2001, pp.90-92)

Inevitably, with a questionnaire, there would be some element of framing prior to the research taking place. The comprehensive literature review would frame the questions for the thesis. It would also determine what previous and current research has uncovered. It was believed a questionnaire would allow a significant level of freedom for elected members to provide detailed information, alongside the quantification of views and attitudes (Mason, 1996, pp.3-4).

Due to the time constraints on the research and what was predicted as a reasonable level of interviews to be carried out, it would not be possible to interview all elected members. Due to factors including the recruitment of interviewees and the length of time involved in transcription 30 to 40 interviews becomes a "*realistic maximum*" (Stroh, p.201 in Burton, 2000). For this reason a questionnaire was seen as the most efficient and cost-effective measure to reach the widest audience.

Quantitative research is ultimately concerned with enumerative induction. Even with the research's bias towards qualitative research and understanding people's perspectives, combining this with a statistical element would prove invaluable. In particular the identification of key factors that shape the elected members' views would not be easy under a purely qualitative methodology. Quantitative methods would allow the development of some form of statistical relationship between factors upon which the qualitative methods could build (Brannen in Brannen, 1992, p.5).

As opposed to an interview, the questionnaire can be completed at the leisure of the respondent and removes the potential influence the researcher can have on the answers given (Bryman, 2004, pp.133-134). This was a major factor in developing a questionnaire since there was a recognition the interviewer could unintentionally influence the interviewee. Furthermore, Altschuld and Lower found questionnaires get the most candid responses from those participating (in Lockhart (ed), 1984, p.45).

However, it was also recognised that a questionnaire does bring difficulties. For example, it was possible for elected members to interpret questions in a different manner to how they were intended. There was also the possibility elected members may not understand a question and without any assistance, they could leave it blank or answer incorrectly (Bryman, 2004, p.134).

However, the main issue of concern was the potential for a low response rate. Heberlein and Baumgartner found a major factor in determining response rates is the importance those completing the survey attribute to themselves (Heberlein and Baumgartner, 1978, p.449). In order to do this it was important to combine the needs of the research with attempting to demonstrate the potential benefits to them and the Authority;

"It appears that the researcher can reduce the resistance of potential respondents at this stage by associating the survey with some apparent concern of potential respondents."
(Lockhart in Lockhart (ed) 1984, p93)

Based upon this, it became an aim of the research to tap into the major issues of concern for elected members regarding Scrutiny and align them to the aims of the research. It was important for the thesis to attempt to overcome this since Ruane notes that in general, questionnaires suffer from low response rates

(Ruane, 2005, p.124). With this possibility in mind it was recognised that elected members' other concerns may impinge on their capacity to complete a questionnaire.

For example, in planning ahead it was noted one Authority would be holding elections in May 2005. Therefore it was likely that in the months preceding this, elected members would be busy. The decision was therefore taken to defer the conducting of the research in this Authority until after these elections. This would give the questionnaire the best opportunity to gain the best response rate. When negotiating access with the other Authorities, discussions were held with the relevant officers involved in Scrutiny, who acted as gatekeepers⁴, to determine the timing of the questionnaire in order to maximise the possibility of a higher response rate.

It was felt that to provide accurate answers the combination of both qualitative and quantitative methods detailed was the most appropriate approach. However, the combination across the paradigm of qualitative and quantitative approaches needs to be justified since traditional lines of inquiry stress the separation of the two.

3.3. Qualitative and Quantitative Methods; A Combined Approach.

The realisation that the epistemological and theoretical divide between quantitative and qualitative data collection is not as apparent as many suggest, prompted the use of a mixed methodology. Hammersley asserts that the two

⁴ 'Gatekeepers' are individuals, in the case of this research – senior officers, whom act as first points of contact with who to establish contact. They have the ability to grant or reject access and it is usual to negotiate access with them over issues such as confidentiality and access to results (Bogdan and Taylor, 1975, p.35).

approaches have an independence from their epistemological starting points (Hammersley in Brannen, 1992, p.59);

“...each has its own strengths and weaknesses as an approach to the conduct of social research. It is these strengths and weaknesses that lie behind the rationale for integrating them.”

(Hammersley in Brannen, 1992, p.59)

To combine the two is to accentuate the positives of each to maximise the effectiveness of the research. This thesis was influenced by the pragmatic approach advocated by Denscombe. To choose a methodology based upon how well it addressed the topic under investigation rather than how well it adheres to its positivist or interpretivist epistemology (Denscombe, 2002, p.23). Brannen, who notes that research is “a messy and untidy business which rarely conforms to the models set down” endorses this more practical approach. (in Brannen, 1992, p.3).

Bryman claims the traditional basis of both should be seen more as ‘tendencies’ than ‘definitive connections’ (Bryman, 2004, p.438). The notion that the two perspectives aim towards different conclusions is mis-guided. He notes that quantitative methods are more exploratory in nature than traditionally believed (Bryman, 2004, p.444). In addition, survey findings can often do more than test pre-formulated ideas. Indeed, since this thesis had no theoretical idea to be tested it was designed to uncover new lines of inquiry for the qualitative data to follow-up. In this sense quantitative methodology adopts an interpretivist approach.

For this thesis, once the combination of methods was decided upon, a decision needed to be taken on how to conduct the research to maintain its phenomenological approach. As previously discussed this combined approach

was chosen to allow the patterns and conclusions to emerge from the data. It was therefore important to not enter the research field with any prior conceptions.

As previously discussed, the best approach was to commence the research with the questionnaire. This allowed the polling of all members of Scrutiny in a cost-effective manner. It could assist the observation and interviews since the results would form a loose framework to support the formulation of these methods. This approach is identified within the literature as being good practice. (Brannen in Brannen, 1992, p.23)

Hammersley also advocates this procedure;

“... the role of quantitative research tends to be to facilitate the selection of subjects for semi or unstructured interviews, which follow on from a large-scale survey.”
(Hammersley in Brannen, 1992, p.62)

Rich data would emerge from the interviews and observations, which are carried out using minimal pre-determined categories. This approach brought the benefits of a quantitative element whilst retaining the pre-eminence of the qualitative approach. Used in this manner, it was considered the phenomenological approach was still being adhered to. In summary, it was recognised that in the pursuit of answering the research questions, maximising the advantages both approaches offered would prove most beneficial.

3.3.1 Ensuring Reliability in Findings.

As in any research, reliability in the findings is essential. Reliability can, in essence be reduced to two basic concerns;

- Is the data valid;

- Have the right questions been asked?
- Is the data precise and detailed enough?
- Have honest answers been given?
- Were those observed behaving normally?
- Are the methods reliable?
 - Did the methods of data collection affect the collection of data?
 - Were the methods neutrally applied?
 - Were the methods applied consistently across the Authorities?

(Source; Denscombe, 2002, p.98)

Operating a strategy that integrated qualitative and quantitative methods presented the opportunity to ensure the thesis' findings were accurate enough to withstand Scrutiny. Webb et al appear to oppose the sole use of interviews and questionnaires since they do "*... not give us enough points in conceptual space to triangulate.*" although they recognise their usefulness in terms of allowing replication (Webb et al, 1966. pp.33-34). Clearly, Webb et al believe that interviews and questionnaires are valuable tools but they should not be relied upon solely.

Internally, questionnaires can be structured in a way that can 'check' the answers given (Denscombe, 2002, p.105). If a question is asked that the researcher either knows the answer to, or is able to find out it has two benefits. Firstly, it lets them know whether the respondent is telling the truth and secondly, it allows the researcher to make a judgement regarding the level of knowledge the respondent has about the subject area. If they respond incorrectly to a question then it must raise concerns over other views expressed within the questionnaire.

Webb et al believe further methods ought to be added to allow triangulation. This thesis added observation and document analysis to the methodology to improve the quality and accuracy of the findings. The multi-method approach meant triangulation would be used at the analysis stage. Triangulation is the process of cross-checking the findings of one method against those from a different method to ensure the findings correlate (Brannen in Brannen, 1990, p.12, Bryman, 2004, pp.454-455, Denscombe, 2002, p.105) The combining of qualitative and quantitative methods enabled the thesis to be particularly robust in this respect (Brannen in Brannen, 1990, p.11).

Despite this, it was recognised that triangulation is not an entirely flawless process. Mason notes that measuring the same phenomena from multiple positions will likely shed new and different light onto the research questions (Mason, 1996, p.190). Indeed, the initial idea that triangulation will confirm the findings of a single method raises another issue. It suggests only one truth exists to answer these questions. Instead of this, the multiple methods adopted would allow a more rounded approach to be taken to understanding the Scrutiny process;

"This does enhance validity, in the sense that it suggests that social phenomena are a little more than one-dimensional, and that your study has accordingly managed to grasp more than one of those dimensions."

(Mason, 1996, pp.190-191)

In this way, the multi-method approach would enhance the reliability of the findings. Triangulation would not uncover one single truth. It was anticipated that each separate approach would highlight different elements in the data, which could then be combined into a more rounded analysis. In turn, this would produce significantly more reliable and accurate findings.

3.3.2. Questionnaire Design.

Since the questionnaire was the method that would inform the subsequent qualitative element it was important to design this prior to contacting Authorities to discuss access and the research.

The first decision taken in relation to the questionnaire was a formality. The only way to conduct such a survey would be through mailed self-completion. It was not believed this would negatively impact on the response rate. In fact, Sudman and Bradburn believe they can produce as good a response rate (if not better) than more costly methods (Sudman and Bradburn in Lockhart, 1984, p.33). They also advise that mailed questionnaires require greater care and attention in their design stage (Sudman and Bradburn in Lockhart, 1984, p.34). This was not felt to be an issue in this research since the decision to conduct such a questionnaire was taken within the first six months of the research period, thus giving a long period within which to construct the questionnaire.

It was essential the questionnaire was simple to complete whilst not undermining its ability to obtain the information required. Central to this was establishing a good order. It had to be logical and easy to follow with new topics flowing from their predecessors.

Simmons advises to begin postal questionnaires with closed questions (Simmons in Gilbert, 2001, p.99). This practice was employed early in the questionnaire to develop an understanding of the characteristics and experience of the elected members in Local Government. It also provided an avenue for a general introduction into elected members' views on the Scrutiny process through the provision of comprehensive lists of factors. As is established good practice, a section was provided after these tables for any

further views to be provided (Sudman and Bradburn in Lockhart, 1984, pp.38-39).

The final part of section two of the questionnaire asked for basic details about the composition of Scrutiny (see Appendix 1). For example, how Chairs were selected for Scrutiny and if all non-Executive members sat on Committees. The aim was to establish a grounded knowledge of the mechanics of each system since the literature had emphasised the huge variety in operation. These acted as the first set of 'check' questions since the researcher would be able to retrieve this information from gatekeepers when negotiating access.

When constructing section three, it became apparent that branching, directing elected members to different parts of the survey based on their answers, may be required to maintain a logical flow (see Appendix 1). Sudman and Bradburn note that branching in mailed questionnaires is a difficult task (Sudman and Bradburn in Lockhart, 1984, p.39). The danger is that elected members will not answer a question they should.

Despite the risks, branching was a necessary part of this section. Each of the different answers to questions 3.4 and 3.6 needed to be followed up with a different question. Failure to do so would have meant that reasons for these actions within Scrutiny would have been omitted from the survey. The branching at 3.4 was relatively straight-forward. However, when discussing the use of call-in within the Authority, it became apparent branching would be required again. Asking whether call-in had been used and providing three options (Yes/No/Don't Know) meant that whichever of those were chosen, again, different subsequent questions would be required.

If elected members did not know whether a call-in had occurred then it was best to direct them to leave the subsequent questions in this section blank. For those who answered that a call-in had occurred two subsequent questions followed and for those who said it had not, they were directed to one further question. These required a written answer. Again, this was a risky strategy to employ but necessary since it allowed the elected members to provide detail.

Towards the end of section four, it was decided to add a series of attitudinal questions where elected members would indicate their level of agreement with the opinion expressed. This was the best method to ask these questions since they related to attitudes and actions not encouraged within Scrutiny and avoided asking elected members directly whether they had been subject to this or felt this view.

It was feared that elected members may not be truthful in their replies, instead replying with what they feel they ought to. They may not have wanted to say anything controversial about their own group, resorting instead to controversial views about opposition groups. It was also possible that they may, in detailing their own views and actions resort to saying what is desired behaviour within Scrutiny rather than the reality.

Sudman and Bradburn define this as 'socially desirable behaviour' whereby respondents exaggerate what would be desired (Sudman and Bradburn in Lockhart, 1984, p.42). In the hope this behaviour would not take place in the questionnaire, great emphasis was placed upon the confidentiality of the questionnaire. Altschuld and Lower report that the more this is emphasised the higher response rate likely from the questionnaire (Altschuld and Lower in Lockhart, 1984, p.15). Therefore, it was strongly emphasised within the

covering letter that accompanied the questionnaire as well as on the front page of the questionnaire itself.

The questionnaire was a total of eight sides of A4 paper meaning even with doubled sided printing it was rather long. Altschuld and Lower believe that length has a negligible impact on response rates (Altschuld and Lower in Lockhart, 1984, p.15). It was clearly a case of striking a balance. Many elected members would not have much time to complete the questionnaire so the task was to relate the questionnaire to their concerns (Sudman and Bradburn, p.34, p.38 in Lockhart, 1984). It was felt the questions used had achieved this and good response rates were hoped for.

Once the questionnaire was designed the next step was to identify and establish contact with Authorities with regards to conducting research within their Scrutiny function. This process took place in June 2004.

3.4. Identifying Case Study Authorities.

The criteria for the selection of Authorities were;

- 1) They needed to be composed of different political majorities.
- 2) They had to cover all tiers of Local Government (County, Unitary and District Authority).
- 3) The Authorities needed to be located within the North of England.

Since one Authority was a mandatory participant in the research due to the duality of roles and the joint sponsorship of the thesis, it became apparent there would be at least one political majority group appearing twice in the research.

This was not considered to be a significant problem since the focus of the

research on the role of the majority group was not designed to note political differences. One of the most apparent details prior to the research was the huge variety in Local Authorities. Therefore it would not be possible, based upon five single cases to develop a theory based on political difference. At the outset, it was felt that the real difference that might emerge was in the size of the majority. Finally, due to the time constraints on the research already mentioned, it was felt that the Authorities would need to be located in the North of England, to reduce the amount of time spent travelling.

Research took place into the political background of each Authority and a final selection criteria was added to ensure the variety. This was the length of time the Authority had been working under this political balance. It was felt the extra dimension of stability of the political arrangements would be an intriguing insight within the research. These four criteria meant the thesis was operating the principle of 'falsification', looking for the 'awkward' cases (Gilbert in Gilbert, 2001, p.20). Using diverse cases would mean any theory to emerge at the conclusion would be more robust as it would be based upon cases one would not expect to be similar.

In June 2004, four additional Authorities were identified and contacted with regards to assisting the research (Figure 10). A full itinerary was sent to each Authority accompanied with a written letter requesting permission to carry out research. Being able to observe the methodology of the research would allow each Council to be better placed to understand the nature of co-operation required.

Figure 10. The Authorities contacted for cooperation (June 2004).

Political Majority	Tier of Local Government
Labour-controlled	County Council
Conservative-controlled	District Council

Liberal Democrat controlled	Unitary Authority
No overall political majority	Unitary Authority
Labour controlled	District Council ⁵

In early July 2004, three of the four requests were granted. At this point further discussions occurred. In particular Authorities stressed two points. The first of these was that any data found would be fed back to them in the manner of a report. The second issue was that of the ethical approach of the research. Authorities were keen to understand the nature of the research regarding confidentiality for elected members and for the Authority. It was stressed primarily in terms of confidentiality that no public identification of any elected members would be possible.

Upon sharing the questionnaire with gatekeepers one concern was raised. Theoretically, Chairs and Vice-Chairs could have been identified since the questionnaire asked for the Committee that members sat on, along with whether they were a Chair or Vice-Party and their political allegiance. Upon this identification, it was stressed further that even though the respondent may be identifiable to the researcher this was the only person to whom this knowledge would extend. In terms of publishing the research it was agreed that particular attention to detail would ensure that confidentiality was maintained.

This demonstrated the difference between confidentiality and anonymity. Confidentiality relates to the researcher providing an assurance that, the information given by participants is not linked to them. Anonymity is a method of data collection, which separates personal identifiers from the data being provided. In this thesis, confidentiality was essential since the research was potentially likely to expose party political divisions; information that could

⁵ This was the Authority in which the researcher worked and was co-funded by.

potentially be of a nature they would not appreciate being publicly linked with. Anonymity, on the other hand, due to the design of the questionnaire and the conducting of interviews full confidentiality was not possible. It was emphasised that elected members and officers who would be invited to participate were;

“free to choose to take part or refuse, having been given the fullest information concerning the nature and purpose of the research, including any risks to which they personally would be exposed, the arrangements for maintaining the confidentiality of the data, and so on.”

(Clarke, in Gilbert, 2001, p.49)

It was also stressed that full confidentiality would be maintained, but anonymity was not possible. This ensured they were aware of this prior to consenting to participate.

Whilst three of the Authorities had no difficulty in being directly named in the thesis, one expressed some concerns. Therefore the decision was taken to operate complete anonymity in regards to each Authority throughout the research and also in any subsequent presentations.

One of the initial Authorities approached turned down the request. A No Overall Control Unitary Authority felt they were unable to assist. It had been anticipated there would be some difficulties in gaining access. It was still satisfactory that at this point, four Authorities had consented to participate.

At this point, no other Authority matching the necessary criteria could be located. Since it was known that further Local Government elections were being held in May 2005, the decision on the No Overall Control Authority was deferred until later in the research. It was decided that with four Authorities already cooperating (along with the continuance of the working role in one other Authority) this issue could be revisited at a later date. With all the initial

responses received, the subsequent coding system was formulated for the research. The order was determined by the order in which a response was obtained. It was decided to place the Authority in which the researcher worked last of those who were cooperating (Figure 11). The No Overall Control Authority would therefore become Authority E on its identification.

Figure 11. Authority Coding in the Research.

Political Majority	Tier of Local Government	Coding in the Research
Conservative-controlled	District Council	Authority A
Labour-controlled	County Council	Authority B
Liberal Democrat controlled	Unitary Authority	Authority C
Labour controlled	District Council	Authority D

Within the co-funding Authority, the issue of ethics required further clarification due to the duality of roles. Despite being present in a different capacity, the researcher was careful to ensure the same steps were taken as with all other Authorities. Discussions were held with the leading officers involved within the process to outline what would be taking place, providing them with the same opportunities to raise issues of concern and ask questions. Steps also had to be taken to ensure elected members participating in the research within this Authority did not feel this role was being compromised by their participation in the research.

It was feared elected members might be wary of participating since someone whom they work alongside within Scrutiny would then know their views on the process. This required careful consideration about how to proceed with the research so as not to damage the professional relationships that needed to be maintained. It was felt the best way to resolve this was to stress that any information the researcher may have received as part of the research would remain confidential. When enquiring whether it would be possible to interview

elected members this was discussed with them prior to any answer being sought.

Due to the innovative background to this studentship – i.e. the joint funding involving a Local Authority who would be subject to the research, a further point needs to be clarified. Research suggests that conflicts of interest involving sponsors of research can often emerge;

“Corporate funders can dictate the direction and scope of research projects. They can also set the terms and conditions for publication of findings And it seems that corporate funders can also influence findings.”

(Ruane, 2005, p.26)

In the designing, scoping and conducting of the research, the Authority and individuals within it made no attempt to influence, directly or otherwise the research. The researcher was free to pursue any topic they saw fit and any approach required to answer that question. All individuals were entirely supportive of the process. The same can also be said for all other Authorities within which the research took place. No outside influences impinged on the research, or on its findings. Appendix 2 provides an overview of the research across the different Councils.

3.4.1. Interview Guide.

Once the questionnaire had been designed and access was being negotiated with the identified Authorities focus shifted to constructing the majority of the interview guide. It was felt that despite the questionnaire being used to provide detail that could be followed up in interviews, the research questions meant the core of the guide would be constant.

Therefore at this stage the central components of this were composed. In order to retain the reflexivity in the research, specific questions were not outlined. Ruane advocates semi-structured interviews when conducting a piece of exploratory research (Ruane, 2005, pp.149-150). In relation to the decision to conduct semi-structured interviews, the only concern was that the central themes were covered, rather than the specific wording of the questions (Mason, 1996, p.65). This would ensure a better quality of interview rather than being constrained by a rigid set of questions (Mason, 1996, p.74). This allows the interviewee to speak freely, which may lead to new avenues to probe (Bogdan and Taylor, 1975, p.57, Bryman, 2004, p.320).

Semi-structured interviewing requires a certain level of skill and confidence on the part of the researcher. Training was undertaken to assist in the development of these skills but it was felt these would be best developed in the field. Preparation was undertaken to ensure the researcher was able to meet Bryman's criteria for a skilled researcher (Bryman, 2004, pp.324-329).

The general topics included in the guide came from the literature. However, since the questionnaire was going to bring forth specific issues from each Authority the length was consciously limited. The format was intended to flow from one topic to the next. As the interviews were semi-structured, other topics may have been incorporated in discussion at other points in the interview. If this was the case and it was felt they were adequately covered at that point then this item was dropped from the interview guide (Appendix 3).

3.4.2. Who to Interview in Each Authority?

The next step was to determine how candidates for interview would be selected. Due to the inevitable constraints involved only a sample of elected

members could be interviewed so *“they need to be selected with care”* (Stroh, in Burton, 2000, p.201). Bogdan and Taylor stress that the ability and willingness to verbalise their experiences and feelings is paramount in selecting a good subject (Bogdan and Taylor, 1975, p.102). Yet it was recognised that to have robust conclusions, a variety in those interviewed was required.

Combining these two factors made the choice of sampling strategy much easier. As it was important in terms of the phenomenological approach to have rich information, it became essential for interviewees to hold strong opinions. It was recognised that some elected members of Scrutiny were not fully involved and aware of the Scrutiny role itself. This had to be taken into the consideration of strategy since the robustness of the thesis could be undermined by interviews which did not provide rich detail.

The chosen strategy was purposeful sampling. This *“stresses the search for ‘information-rich cases’ and bases the sample size ‘largely by the need to involve as many experiences as possible in the development of a conceptual framework’* (Baxter and Eyles, 1997, p.513). In addition, a small sample does not automatically weaken the legitimacy of the research since cases are sought until *“saturation”* is reached. This strategy meant the reasons for selection would need to be explicitly stated to prevent arguments that the sample choice was biased, thus distorting the findings (Patton, 1990, p.181). Variety would still be required to ensure that the different perspectives, based upon a range of factors would be factored into the conclusions.

Therefore the following criteria were established to assist the targeting and selection of candidates;

- Political Affiliation.

- Chair/Vice-Chair or lay member of Scrutiny.
- Length of time as member.
- The Committee the member sits on (aim was to incorporate all Committees).

3.4.3. Conducting the Survey⁶.

Authority D, the Labour majority District Council and Authority A, the Conservative controlled District Council were the first Authorities in which research took place. This was due to their availability and willingness for participation. Within Authority A, it coincided with an ongoing review of Scrutiny and it was hoped this independent research would prove useful to the Authority. Since Authority D were the co-funding Authority as well as the Authority within which the researcher worked, officers and elected members were willing for the research to take place at a time most beneficial to the researcher. Therefore the earliest opportunity was sought to complete the questionnaire.

The questionnaire was mailed to all members of Scrutiny in these Authorities for the first time in mid-October, with a requested return within three weeks. Over the next six months the survey was distributed to members within the remaining Local Authorities. The process remained the same for each Authority. After an initial period, a second mailing was distributed to all members since there was no mechanism to identify those who had completed the questionnaire. To circumvent the possibility of dual completion by elected members a second covering letter was composed for the second mailing. This meant that no member completed the questionnaire more than once. For a detailed timetable of despatch dates and return rates see Appendix 4.

⁶ A full list of questionnaire despatch dates and subsequent follow-ups is attached at Appendix 4.

When it came to the final Authority – one that would be No Overall Control, after the elections in May 2005 one Local Authority was identified as a potential source of investigation. The Authority agreed to cooperate with the research and an initial meeting was set up to discuss the research with them. At this meeting, it was ascertained that the Authority was undergoing a review of their Scrutiny structures and would likely be changing the nature of Scrutiny in early 2006. With this in mind, they were keen for the research to be concluded by the end of 2005. This was ideal for the research also since it would allow time to complete the work within Authority C as well as continue the work within Scrutiny within Authority D.

At this meeting it was outlined that the questionnaire would likely need two mailings, lasting one month each and ideally it would precede any qualitative research. For this to happen it was agreed that the questionnaire could be distributed immediately. This was important since it would continue the practice established in the previous Councils. The total response rate was 30%, far from ideal but again those elected members who had completed the survey had clearly taken time and thought carefully about their contributions to the survey. Again the sample produced a fairly representative balance of how the political parties compared in the Council. In October 2005 the results of the questionnaires received were fed into SPSS in order to allow analysis of the data prior to entering the field to observe and conduct interviews.

The qualitative process always began with observation to allow the elected members and officers to become comfortable with the researchers presence before the more intrusive method of interviewing. This worked very well indeed. It allowed the identification of a sample that would satisfy the need for variety, encompassing all Committees whilst also providing 'information rich' cases.

Conducting it in this order provided a mechanism to identify and establish contact with elected members whom would be excellent subjects for interview. As stated earlier, the sampling strategy was 'purposeful sampling'. 'Information rich cases' would not be particularly easy to identify, and whilst in discussion with gatekeepers several names were mentioned, it was felt to be a better approach for the researcher to identify elected members. This was not because it was felt the gatekeepers might only point out elected members whom may not be particularly critical or controversial but rather, the researcher was then in control of the sample selection, in order to tailor it to the needs of the research.

Clearly this approach involved being introduced to elected members, to whom it would be explained who the researcher was and why they were present. As previously mentioned, it was felt the presence of the researcher *would* influence the actions of those being observed. Therefore, it was appropriate to take sufficient time to allow elected members to become accustomed to being observed in this way. Consequently, the decision was taken to not take detailed notes that would be used in the analysis at these early meetings. However, since there were considerable time pressures on the research, the period to allow elected members to become accustomed was shorter than perhaps would have been most beneficial. It tended to be kept to one initial meeting within each Committee.

When observing it was important that the physical way in which Scrutiny took place was studied. This in particular focused on non-verbal aspects since they were largely going to be omitted by the other methods. However, it was still important to view and note what elected members were saying and how they interacted in the Scrutiny process. The observation schedule comprehensively

covered all the important aspects required from observation (the schedule is to be found at Appendix 5).

The venues across the Authorities varied in their nature, which had differing impacts upon how the meetings were conducted. They also meant that the ability of the researcher to limit as far as possible their influence on the meetings had the potential to vary. However, upon reflection these different locations all allowed the researcher to limit their prominence in carrying out their observation. These room layouts can be viewed in full at Appendix 6.

3.5. Analysing the Data.

The first step in analysis was to ensure any findings could be traced through from the data to ensure their reliability (Webb et al, 1966, p.191). This involves making sure that the coding of both the quantitative and qualitative data provided a strong framework for analysis grounded in the data.

3.5.1. Questionnaire Analysis.

As previously described the research in each Authority began with the distribution of the survey. This would enable the use of this information as an addition to the interview guide. An SPSS framework had already been created since this package was believed to offer the best avenue to be able to interpret the data to sufficient a depth. As the data from each Authority was received, the data was fed into the framework. This took each individual question within the questionnaire and ascribed it an identifier and a set of codes with which to identify the responses given. The vast majority of data being input was nominal. Only on three occasions was there a need to use another kind of data. This was on questions 4.6-4.8 which called for Councillors to indicate the level to which

they agreed with the question, therefore ordinal data was required. This data was used on a questions basis, as opposed to an Authority by Authority basis.

The choice for analysis was between approaches comprising all data or built on an Authority-by-Authority approach, prior to analysing the results together. This would allow the variety in the data to emerge, which would provide the best approach to answer the research questions.

Furthermore, despite many similarities emerging within diverse Scrutiny systems through the literature review it would have been incorrect to assume each Authority would have similar findings. If this was the case, it would be best for this to emerge naturally. Doing so would facilitate comparison from the central tenets of the research and also from the individual components.

This process was assisted by the request by four of the five participating Local Authorities that some feedback was provided to the Council. This came in the form of a report summarising results of the research and proved very useful to the researcher since it allowed a relatively early framing of ideas and thoughts within each Authority. In addition to this, it allowed the researcher to 'test' the ideas they had forwarded in the report. By discussing the report and being able to see elected members' reactions and views towards what was reported, the researcher was able to gauge whether the findings were an accurate reflection of reality.

3.5.2. Qualitative Analysis.

The most important part of any qualitative research is that it is rich in detail (Patton, 1990, p.375). In order to do this following each observation session and each interview notes were produced immediately. This was particularly the case with observation.

Bogdan and Taylor stress that with observation, everything is important and can potentially be of use as data (Bogdan and Taylor, 1975, p.58). Therefore, when observing it was important the researcher made note of every detail they saw, and sought to write up the notes as soon as possible. This would ensure that as much detail as possible was noted whilst the circumstances of the meeting was still fresh in the mind.

After conducting the interviews, the researcher sought to produce the transcripts as soon as possible. However, due to the often tight time constraints in conducting interviews as well as observation this was not always possible. This was not necessarily a problem since the tape recording was there to refresh the memory of the researcher. What was recognised was that it was important to produce notes and observations from each interview as soon as possible. This served to highlight those elements which would not be picked up from the transcription such as body language, the impressions of the researcher in regards to the discussion and any difficulties there may be with the interview. These notes served to add rich detail to the analysis process of analysis.

3.5.3 The Building Blocks.

Once the interview process was fully completed within each Authority, i.e. when the saturation point had been reached, a more thorough process began. Some loose codes had already begun to emerge in the researchers mind due to the way in which the data had been collected through an interview guide and the quantitative questionnaire. At this point, three types of data existed;

- The quantitative data from the questionnaire.

- The qualitative data from the questionnaire.
- The interview and observation data.

The data was broken down into smaller more manageable chunks in preparation for coding. Coding was the chosen method since it could allow the data to be viewed in a different light and allow new insights to emerge (Coffey and Atkinson, p.29, 1996). This would break up the narrative, particularly through interviews but for a research process aiming to develop rather than test theory, the grounded approach was the best method to proceed with.

Bryman advises that the first stage is 'open' coding (Bryman, 2004, p.409). This is the process of "*breaking down, examining, comparing, conceptualising, and categorising data.*" (Strauss and Corbin, 1990, p.61). Reading through all the transcripts, questionnaire data and comments as well as notes from observation from each Authority produced dozens of codes, a result not viewed as a problem. Indeed Strauss and Corbin note this is highly likely this will be the case when at the first stage (Strauss and Corbin, 1990, p.61).

Once this had been completed, the next stage was to use these basic terms to produce a framework much closer to the words, thoughts and actions of the elected members. This occurred through a process of constant comparison of all the data. As this process evolved, patterns began to emerge across the data and were noted as categories. Whilst some of the categories at this stage within each Council were different, many across Authorities were similar. This appeared to justify the Authority by Authority approach as compared to a mass analysis⁷.

⁷ The full list of categories is available at Appendix 7.

The categories established would be read within an interpretive manner so the value for the research came from what could be read into and inferred from these statements. It was noticeable that the Authorities with the most divergent views inevitably produced the most categories. Authority B, the results from which displayed a great deal of consistency had the smallest number of categories within its data.

The next step in the process was to saturate these categories to the point where no 'new' pieces of data could be added to each category. The aim behind this method was to explore the relationships between the categories and produce conclusions. Such an approach demonstrated how the findings would be grounded in the data, facilitating the ability to compare the results from across the different Authorities.

At this point linkages were established between the different categories to develop an understanding of the processes at work within each Authority's Scrutiny function and forward an explanation in light of the research questions. Creating these allowed the data to move away from its proximity to the observations and feelings to a much analytical level (Bryman, 2004, p.410). This could then be linked into the much wider debate about the nature of Local Government Scrutiny, which the thesis would discuss after drawing conclusions from each of the Local Authorities.

This process took place with the findings for each of the five Councils in order to produce their own individual case studies with their own findings, undiluted by evidence from elsewhere. The next step was to use and compare these five different accounts in order to provide a comprehensive discussion and answering of the initial research questions.

3.6. Reflections on the Research Process.

It is important at this stage to reflect back over several aspects of the methodology. One issue was the production of more data than was originally envisaged. It was decided when results were being compiled that all responses ought to be compiled in order to use these to add to the picture being built up of Scrutiny. This was actually beneficial in hindsight since it allowed the questionnaire to capture the views of elected members on more than a single matter. Restricting their options on which of the categories they felt best to answer would, it was hoped indicate which of the factors they felt was most important. However, it failed to recognise that more than one factor may or may not have been important and to complete the survey in the way intended would not have allowed these factors to be analysed. For elected members to either ignore or be confused by the survey and answer this way was an unforeseen benefit.

The response rates from the questionnaires ranged from the adequate to the impressive. No one Council's return rate was particularly damaging to the research but clearly it would have been better to have higher return rates. Authorities A and D's return rates were seen as impressive since they previously had not had such an opportunity to complete a questionnaire. Hence there was a 'novelty' element in completion. Furthermore, it is believed the return rate within Authority D was assisted by the presence of the researcher within the Authority in a working capacity. The respectable response rate from Authority C was believed to a consequence of the questionnaires content being of interest to members, since at the time a constitutional review of the Scrutiny process was underway. The return rates within Authorities B and E were disappointing but initial analysis of the information demonstrated that the

sample of views obtained covered all political perspectives, the different positions within the Scrutiny process and all committees in operation.

- Authority A – 22 (34) = 64.7%
- Authority B – 13 (51) = 25.5%
- Authority C – 17 (37) = 46%
- Authority D – 22 (36) = 56.4%
- Authority E – 13 (44) = 30%

Considering the sometimes controversial nature of the questions being asked of members, it is fair to say that all those who took part in the research were very welcoming, open and honest. On very few occasions did anyone within interview express some concern in answering a question, the vast majority were very forthcoming with their views. In particular, the strategy identified earlier to be open about the nature of the research worked in the research's favour. Without suspicion of a hidden agenda, elected members expressed their satisfaction with the research taking place.

Figure 12 displays the number of interviews conducted within each Authority. Forty-five were conducted in all, and they provided rich and detailed data for the research. Using a purposeful sampling technique, building on the networking made possible through observation, identifying “information rich” cases in addition to the deliberate need for variety⁸, meant that ‘saturation’ was achieved far quicker than it otherwise might have been. In terms of the other time constraints on the researcher, this method proved hugely beneficial.

⁸ pp.112-113 details the criteria for selection.

Figure 12. Interviews Conducted within each Authority.

	Dates	Total Number Conducted
Authority A	Jan 13 th 2005 – April 6 th 2005	10
Authority B	May 27 th 2005 – Sept 30 th 2005	8
Authority C	June 14 th 2005 – Oct 30 th 2005	9
Authority D	Feb 20 th 2005 – July 6 th 2005	9
Authority E	Oct 1 st 2005 – Jan 13 th 2006	9
Total number of interviews conducted		45

One particularly problematic issue was the role played by the researcher within Authority D. Whilst, in the conducting of the research as described previously the processes were deliberately kept the same in this Authority as in all others, the potential existed for interviews and observation to be clouded by the researchers own perception and views of the elected members involved and the process itself. This would not be the case with the questionnaire since it would not be entirely possible for the researcher to identify elected members from their returned surveys.

Whilst it was hoped that the researcher would not allow personal judgements impact upon the analysis of the results, it was decided a safeguard should be added to ensure this was the case. At the end of 2005, it was agreed that work supporting Scrutiny within Authority D should cease to allow full concentration upon the thesis. This provided an ideal opportunity to install this safeguard. Good practice recommends delaying analysis for a period to allow biases to decrease;

“There are, nonetheless, instances in which the observer should postpone analysis. Since personal attachments and biases often develop during the course of the research, the observer often needs a chance to create some distance between her or himself and the setting in order to see the data from a wider perspective. Certain things are easier to recognise and to treat objectively after a period of time has elapsed.”

(Bogdan and Taylor, 1975, pp.81-82)

This allowed the researcher to have time detached from the process and individuals in it before any analysis from this Authority took place. Furthermore, since this Authority was co-sponsoring the research this meant the pressures or fears of being critical of those who were funding the research were minimalised. However throughout the process, officers and elected members were entirely supportive of the research and never tried to influence it in any way. This focus on maintaining objectivity as much as possible in Authority D did not mean there was a lack of focus on each of the other case study Authorities.

Working within the field of Scrutiny would likely mean that any system would be seen through the personal perspective the researcher had built up through their own experiences. Whilst it was recognised that pure objectivity was simply not possible as is now conventionally accepted within research, the same steps were taken to ensure no particular perspective was imposed on the findings (Denscombe, 2000, p.157).

Looking back over the selection of the case study Authorities, the result of local elections in May 2005 changing a Unitary Authority into No Overall Control made a huge difference. No other Authority fit the profile required prior to this since the original No Overall Control Authority declined participating. There were District Authorities that were No Overall Control but this would have given a greater weighting to District Authorities in the sample of five. This would have potentially distorted the findings since it was conceived at the beginning that the tier of Local Government may have an impact on the Scrutiny process.

Finally, it is believed the planning of the research from the beginning was very well managed and laid out so sufficient time was provided to conceptualise the aims well in advance. This meant the process was not still ongoing when

contact was made with Authorities, allowing full explanations to be given. In turn this allowed the research to commence much quicker and remain within the relatively tight timescales established. This strong planning from the outset worked in the thesis' favour throughout to completion and contributed to the strong and robust methodology employed in producing its findings.

4. Local Authority A.

4.1. Setting the scene.

4.1.1. Demographics and Profile.

Authority A is a small District Council located in the North of England. It covers an area of 2206 square kilometres within which, resides a small population of just under sixty thousand (Audit Commission, p.8, 2003). The area is predominantly rural, with a large proportion of this land used for agriculture. Aside from agriculture, the District's economy relies upon tourism and public sector employment. Unemployment is lower than the regional and national average, standing at 1.8% (Audit Commission, p.8, 2003).

The population is largely concentrated in three market towns. Consequently, population density is low. The population is slightly older than regional and national averages, and is better educated and healthier than the national average. The ethnic minority population is 1.8%, which is significantly lower than the regional and national averages. Housing prices are around 40% higher than the regional average, and coupled with low wages there is a serious shortage of affordable housing. In 2004, the Authority was rated 'good' in its Comprehensive Performance Assessment.

4.1.2. Political Background.

Politically, the Authority has a background of being under No Overall Control, having been without a single political majority between 1974 and 2003. As such, no single political idea has dominated the ethos of the Authority, consequently, it has evolved is one to working together for the benefit of the community.

Following elections in May 2003, the Conservatives took a majority of seats in the Council, and became the first political majority since the 1970's;

Total number of members	52
Conservative	28
Liberal Democrat	10
Labour	10
Independent	4

At these elections, many Councillors were elected for the first time. The political change was a major surprise and suggested that a radical change in attitudes and practice would arise. The research in this Authority took place between October 2003 and March 2004.

Within the Council, elected members were clearly very accustomed to co-operation. With the lengthy period of No Overall Control, working together had become the ingrained ethos. Elected members believed it to be the *"way the Council works."* As one Councillor noted;

"Authority A has been a hung Council for a very long time, and consequently has always been very cooperative since it was the only way to really get things done. By and large the attitudes of cooperation still prevail."

Throughout the research within the Council, this aspect was emphasised frequently, highlighting the way this approach had become the accepted wisdom within the Authority.

4.1.3. Political Structures.

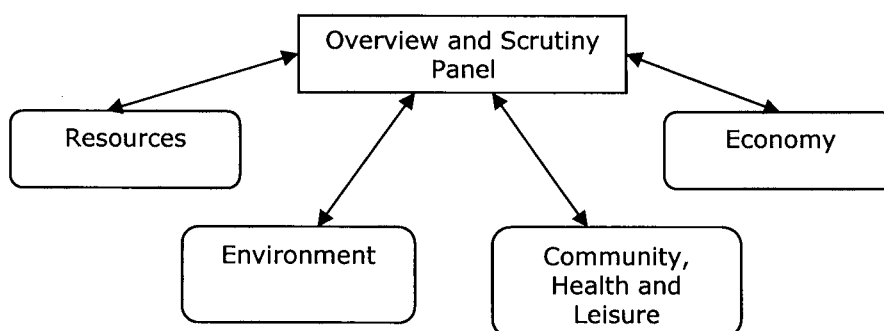
As a small Council of under 85,000 people, Authority A rejected the three main options as outlined in the Local Government Act 2000 and opted for the *'Fourth Option'*. This option was made available to Authorities with populations below 85,000, and allowed them to operate a modified Committee system. This

established a Committee with the responsibility for decision-making would be balanced by the establishment of a system of Scrutiny.

The decision-making body established within Authority A is the *Corporate Policy Management Board* (CPMB). Conservative members take the majority of seats, with the remainder taken up by the Liberal Democrat and Independent groups. As part of this the Labour group were invited to take up seats on CPMB but declined this offer, choosing instead to focus upon the opposition role.

Shadowing the work of the CPMB is four Overview and Scrutiny Committees. Each Committee is dedicated to one of the four priorities of the Authority (Figure 13).

Figure 13. Overview and Scrutiny structures – Authority A.



The *Resources Committee* focuses upon the financial aspects of the Authority, overseeing the management of the budget, its capital and revenue, borrowing and all resources. It is also responsible for the audit aspect of the Authority. The *Environment Scrutiny Committee* monitors the physical environment. This encompasses planning, conservation and environmental management. The *Economy Committee* is responsible for monitoring the economic environment and the regeneration of the area.

The *Community Health and Culture Select Committee* adopts an outward look, seeking to engage the community. Its focus is to look at the provision of culture and the housing and healthcare responsibilities of the Authority. Of all four Scrutiny Committees, this has the potential to involve more of the local community since it includes arts, culture and healthcare. All of these functions are at least, partly provided by outside organisations. In essence this means that the *Community Health and Culture Committee* is the external Scrutiny Committee of Authority A.

Overseeing the Scrutiny Committees is an informal panel, composed of all the Chairs and Vice-Chairs of Scrutiny. This Panel manages Scrutiny and meets with the CPMB members once every six months.

The call-in process at the time the research begun was that any Scrutiny Chairperson or any four elected members of Scrutiny (so long as they came from at least two political groups) could call-in a decision. This process had existed from the introduction of the new arrangements when the Council operated with No Overall Control. In March 2005 this was modified to allow call-in by the Chair of the Committee and any three elected members of the relevant Committee (from any political group). At the time of the research three call-in's had been carried out and this number has since risen to four.

There was a tradition of consensus within Authority A that had become established during the long period of No Overall Control. Opposition chairing of Scrutiny, established under these circumstances has continued, even after the election of a single majority.

At present two Committees (*Resources and Economy*) are chaired by Labour members and two (*Environment and Community Health and Culture*) by Liberal Democrat members. All Vice-Chairs of the Scrutiny process are Conservative members, perhaps demonstrating further the co-operative approach within Authority A.

There is no dedicated officer support allocated to the Scrutiny process. To give each Committee some support the Authority has allocated a Chief Officer to provide research, assistance and back-up. In order to prevent any argument about impartiality, the Chief Officer to each Committee shall be “independent”. This ensures that the officer supporting the Committee will not be responsible for a service that could fall under its remit, and thus be scrutinised by the Committee. This will prevent any suggestion that the officers will be anything other than impartial. The Council has looked into the issue of dedicated officer support but as yet there is no support in place.

Within the CPMB political responsibility resides within the Leader of the Council. There are no portfolios for any other members of CPMB. Therefore they are allocated to Scrutiny as ‘special advisors’. This role allows them to attend, and participate in the Scrutiny meetings although they are not part of the Committee itself. The Special Advisors then have the ability to report back to CPMB on matters that were discussed and debated. They are able to operate as a conduit between the two.

The Authority is quite rare in that it operates many joint working groups between both the CPMB and Scrutiny. Some of these groups are time-limited whereas others run concurrently alongside the Scrutiny Committees. They have

included topics such as commercial signage, customer service, kerbside recycling, the Local Plan and a review of public conveniences.

4.2. The Views of the Political Groups.

Most elected members were of the view that Scrutiny was not working particularly well. A number of problems were identified, such as elected members lacking knowledge and understanding of the Scrutiny process, poor Councillor Involvement, and a lack of resources.

Several positive aspects were identified, however. These included the use of external sources of information, relationships between officers and members and cross-party working. This final factor highlighted the consensual approach that existed within the Authority.

The emerging picture was that each group had their own distinct viewpoint on the process. These views were not entirely consistent demonstrating how elected members developed perspectives based on their own ideas and experiences.

4.2.1. The Majority Conservative Group.

The Conservative group were the most positive about Scrutiny, with a 43% believing it to be working well. They were very satisfied with the way the process operated, leave it had a strong status within the Council. Crucially it was regarded as a useful mechanism for them to advance the concerns of their constituents.

It was noticeable that no elected members longed for a return to the Committee System. They realised that the Scrutiny process was here to stay, and as one member said, regardless of its flaws, they were committed to making it work;

"We've got to move on to what we have rather than look back at the past."

Only 28% of Councillors who responded to the questionnaire believed Scrutiny was not working well, making the Conservatives the most satisfied group. When elected members felt it was not working this was because they felt the process was slow, laborious and lacking in the "*cut and thrust*" of the Committee System.

However, in the main, members were satisfied. They reported their group as being supportive of the process indicating that the process was seen to be of value by the leadership. As one Conservative Councillor said;

"My party liked the old system but they've moved onto Scrutiny now and are getting used to it, and are trying to make it work."

Elected members were not instructed how to vote or how to conduct themselves when in Committee. 80% of members said that freedom was given to express their views and no political posturing was encouraged. Only 10% said such an approach was encouraged, and no members at all said they were not encouraged to co-operate.

However, as the research evolved, a new aspect emerged from the majority group. It appeared that they had become aware, or at least somewhat wary, of the potential of Scrutiny. This was not an attempt to control Scrutiny but rather an attempt to increase their 'watching' role over the process. As one Conservative member noted;

"My party have been trying to call pre-Scrutiny meetings. In Scrutiny this is not allowed but I don't see the value. It won't happen. The Vice-Chairs and other members are against this."

The Conservative leadership had always wanted to maintain a watch over Scrutiny, seen in the concession of the Scrutiny Chairs to opposition groups on the proviso of all Vice-Chairs being Conservative. Despite the further step of attempting to hold pre-Scrutiny meetings this was prevented from occurring. Nothing further came from the leadership to attempt to circumvent the Scrutiny process. It appears these attempts to hold Scrutiny pre-meetings were an isolated case. It actually highlighted the independence and power their Councillors felt that in that they could rebuff the wishes of their leaders.

Within the group, Scrutiny was not particularly a high priority for discussion with 60% reporting that Scrutiny was discussed '*occasionally*' and 30% claiming it was discussed '*frequently*'. In comparison to the other groups it appeared to have a much lower priority again demonstrating how the majority group were not overly concerned with Scrutiny. That it was discussed occasionally perhaps demonstrated that when issues being considered by Scrutiny were of sufficient importance, they were brought up for discussion.

This indicated a wariness of the potential of Scrutiny, a perspective confirmed by one of its elected members;

"The majority party is definitely wary of the power of Scrutiny. But they have a respect for it."

Most elected members claimed they would not hesitate to speak critically of others if they felt justified. The prevailing view amongst the newer Councillors was that they lacked the authority and knowledge to challenge more senior and longer-serving elected members. However, participant observation indicated

that the Conservative Councillors engaged in the process were older and more experienced. Therefore, since the newer elected members were not highly active the only effect these feelings of inexperience and lack of knowledge could have had was preventing them from becoming further involved. As one member noted;

“Speaking for myself, it’s more down to ignorance, and being fearful of my own lack of knowledge. But if I felt strongly enough I would speak out as I think most of my colleagues would.”

That some elected members felt the ‘presence’ of the party group came through in the quantitative data. Of all the political groups, Conservative members felt the presence of their group most of all. It needs to be stressed however, that this was not a majority, but still higher than the other political groups. 40% of members agreed or strongly agreed that their party monitored their words and actions in Scrutiny meetings. Furthermore, 40% agreed that they felt the need to operate within party politics when working within the process.

These views reflect the presence of the Special Advisors within Scrutiny. These are representatives from the Corporate Policy Management Board (CPMB) who were assigned to Scrutiny Committees to act as liaison between the two branches. The majority of CPMB members are Conservatives, therefore the majority of Special Advisors are Conservative also. Evidently their presence was felt to restrict the ability of Conservative members to express themselves freely.

The role and purpose of these Special Advisors shall be discussed in depth later, but it was the sole reason - beyond personal loyalty - why some

Conservative elected members feel the expectation to follow party lines when within Scrutiny.

Predominantly Conservative Councillors are attempting to embrace the move to Scrutiny and make it successful for the people in the local area. Their group appears to be somewhat uneasy about this. But they do not feel they need to intervene in the process. They appear happy to let it exist independently. Indeed, even if they did not it appears that the leading Conservative elected members within Scrutiny would ensure this was not the case.

4.2.2. The Opposition Labour Group.

This group was clearly the most dissatisfied with the Scrutiny process. 75% of those who responded to the survey felt the Scrutiny process was poor. This finding did seem out of step with the results obtained from other forms of data collection, which uncovered a certain element of satisfaction with the progress of Scrutiny. As the research progressed it emerged that this negative perception came from the non-Chairs of Scrutiny within the Labour group.

When Labour Councillors held Chairmanships they offered a different perspective of the process. The party itself was obviously keen to see Scrutiny succeed since this was their principal route to participate in policy-making after refusing seats on CPMB. Elected members reported that they were encouraged to work within Scrutiny and given freedom to express their views.

Despite this encouragement, most Labour Councillors remained dissatisfied. As one remarked;

"Members aren't engaged. They won't ask critical questions in public because of the party influence. Developing policies in Authority A doesn't work. We produced a Housing Policy document but it made no impact."

There was a belief that the Scrutiny process was being used in a way that protected CPMB from being scrutinised. Consequently Scrutiny was seen by Labour members as irrelevant and the CPMB as unreceptive to anything Scrutiny did.

They believed strongly that there should be a move away from the traditional style of working within the Authority. Labour Councillors felt this practice needed to change to reflect the existence of a single political majority. As one Labour member reported;

"Two parties just symbolises the culture at Authority A. They need to realise that they have one group in control – too much consensus still goes on because they are too used to working together. They need to move with the times and political circumstances and develop more of a majority/opposition political model which is the reality of what there is."

This was clearly at the core of the negativity. It was confirmed by Labour elected members attributing 'good cross-party working' a lower rating than other Councillors. Clearly good working relationships existed, but in many ways Labour elected members believed they were too good and this single issue appeared to be clouding their overall view of the process. This Councillor highlighted this view;

"The culture is still the same. Within Labour, a lot don't want to rock the boat despite holding more hostility (amongst older members). They think they can be influential behind the scenes but the Tories won't let them. This is so ingrained in the system it will never change, they will just carry on with the status quo – they cling to the old days."

It is believed this dissatisfaction with 'times not changing' exacerbated the unease felt about Scrutiny. Within meetings however, Labour elected members

did not allow this view to cloud their actions. It only appeared as an issue following the meetings.

4.2.3. The Liberal Democrat Perspective.

The Liberal Democrats felt the Scrutiny process was progressing satisfactorily. Despite holding seats on CPMB they also held two Chairs within the Scrutiny process. The survey showed that 75% of its Councillors felt that Scrutiny was 'working well'. The group encouraged elected members to participate fully according to all its members inside Scrutiny and 75% felt they were not encouraged to be critical of others in Scrutiny.

They did not believe Scrutiny was in any way political, a view enhanced through interviews and confirmed in observing their attitudes within Scrutiny. One Liberal Democrat member noted that;

"We've done some decent bits of work that are going to make a difference. We've done this on a cross-party basis and worked together."

Within their group Scrutiny plays a prominent role since this is where the bulk of its elected members work. However, since they have three seats on CPMB this also plays a role in their discussions. The research found that the work of Scrutiny was discussed slightly more by the Liberals than by the Conservatives but not as much as by Labour Councillors. This demonstrated its priority to each group.

The Conservatives clearly gave it the lowest profile since they have the overall majority in the Authority and a programme to implement through CPMB. Labour, having rejected CPMB seats give Scrutiny its full attention and attach the highest importance to the process since they have no other mechanism

through which to influence Council policy. The Liberal Democrats fall in between since although they have no ability to pass policy through CPMB, they possess the power of influence. Scrutiny also gives them this potential and this is reflected in the balance between the two.

The Liberal Democrat group did not feel the co-operative approach associated with the Council had a negative influence, instead they believed it to be a benefit. This remark summed up their view;

“What we do is enhanced by the fact that we’re not a political Council. We all work together.”

It is unsurprising that they are not critical of the co-operative status since they believe this presents them an opportunity to contribute. This is reflected in the decision to accept seats on CPMB. The Labour group believe this ability to influence does not exist following the 2003 election and the electing of a Conservative majority, hence their decision. Unfortunately for them, the majority of Councillors does not share their attitude that the Council ought to move towards more of a ruling administration-opposition model. This produces a great deal of their frustration.

4.2.4. Relationships Between the Groups.

“The opposition parties are challenging but constructive at all times. There is no point in confrontation with anyone. If you are trying to gain something then you don’t do it that way.”

This comment from a Conservative elected member neatly summarises the relationship that exists between the groups. As already discussed, the Labour group might be pessimistic about Scrutiny but this is not apparent within the process. As this Councillor notes, Scrutiny is not political within the Authority;

“Yes. Within Committee, the members work better, and more joint-working takes place. There is still an element as it relates to call-in, members are not keen to get other parties on board, although this relates more to confidence and stuff like that than not wanting to talk to other parties.”

Whilst it was not evident in relations between the groups, the data suggested the Conservative leadership was wary of Scrutiny’s potential. Clearly the Labour group are dissatisfied with the process and whilst they do not use this perspective to undermine the process it is a view they are not afraid to share. With Scrutiny being a system open to abuse by opposition groups should they be minded to do so, it is possible the Conservative leadership may have feared such abuse.

This could conceivably explain their actions in attempting to call pre-Scrutiny meetings since there was no further indication suggesting they wish to impose upon Scrutiny. However, Conservative Councillors within Scrutiny offer no criticisms of the actions of other political groups indicating why they managed to ensure this practice was not implemented.

The Labour group are not particularly critical of the Conservatives. Instead they are critical of the lack of thought amongst the Authority as a whole. They believe people have failed to recognise that times had changed since the Council worked under No Overall Control and were stuck in this mindset under a system that called for less collaboration.

It needs to be stated at this point that there was no political pressure placed on the level of challenge Scrutiny gave the CPMB. That some elected members felt there was insufficient challenge (whilst others believed it was not necessarily the best way for Scrutiny to proceed) returns the debate to the ideas and aspirations of elected members. All elected members have ideas

about how Scrutiny should be working, many of which differ from how it actually does.

4.3. The Role and Work of Scrutiny.

4.3.1. The Policy Role of Scrutiny.

Analysing the work that had been conducted demonstrated how the charge that the process was slow and fruitless could be made;

"We do a lot of work looking outside the Council at how others do things, but very often this is not used to influence Council policy."

Of the topics that Scrutiny considered a large proportion were outward looking. When elected members were asked as to why this outward focus existed, they attributed it to Local Government having little control over many areas. However, this did allow them as Councillors to feed the concerns of their constituents into the Scrutiny process and work for their benefit.

Clearly some of the work of Scrutiny had been accepted by the *Corporate Policy Management Board* (CPMB) and gone on to become policy. However as the following list demonstrates, the argument from many elected members that Scrutiny *"...shies away from major issues."* and any changes came only because *"... they were minor but blindingly obvious issues."* had some validity.

- Economic Strategy
- Waste Management
- Recycling
- Dog Fouling
- Re-organisation by the County Council of Education
- Postal Voting

- Stationary Savings
- Car Park Strategy

But this relatively short list demonstrated why many elected members felt Scrutiny was under-performing. Since a great deal of time concentrated on external matters over which the Authority had no jurisdiction, clearly the process did not produce many outcomes, as this member identified;

“We get loads of presentations giving information from organisations who are defending themselves, but there is no next stage. It’s simply not delivering.”

This focus reflected the attitude of the Council being there to serve the people but led to dissatisfaction in the under-performing Scrutiny process.

4.3.2. Challenging CPMB.

Interviews confirmed the view of earlier research was the principal role envisaged for Scrutiny amongst elected members.

Within the Council, elected members felt very little scrutinising of decisions took place. Despite this, at the time of the research three call-in had taken place, more than in many Authorities. When they had occurred elected members felt they were on minor issues, almost to ‘test’ the system. Mixed views were given on how this worked. Some took it as an encouraging start whereas others, usually Labour elected members felt it was not good enough and the response was unsatisfactory. This comment from one Labour member highlighted this;

“Call-in we had was just experimental – it was easy to do without causing unease, just something they missed. The term call-in is itself very dangerous – I think of it more as a justification. It should not be thought of as that big a thing, it is merely picking something up or looking at something in a different way.”

68% of members felt that call-in had not improved the relationship between CPMB and Scrutiny. This was positive since if it did improve the relationship between the two it would suggest no respect existed before. This was clearly not the case.

The process for call-in at the time the research commenced was that any item could be called-in by any Chair of Scrutiny or by any four elected members from at least two groups. Labour elected members particularly saw this process as restrictive. One argued that;

"The number of people required to do a call-in is too many. We can call a special meeting of the Council with roughly the same number of people and they can all be from one party. So the call-in is more restrictive than that."

The rationale behind this was to prevent abuse of the system. In March 2005 in a move that demonstrated how the majority group is open to challenge, the system was reformed. The concerns that it was restrictive were clearly noted since the criteria became any Chair of Scrutiny or any three elected members from any political group.

This not only reduced the numbers required for a call-in but also removed the requirement that these came from more than one group. This made the process much easier to use. It was hardly the action of a majority group seeking to control and restrict the progress of the Scrutiny process.

4.3.3. Is Scrutiny Politically Motivated?

Within Scrutiny, members are not politically motivated. Each elected member and each group have their own outlook on the arrangements but within Committee the co-operative approach was evident, as is explained by this Labour elected member;

"It's non-political; it's never been seen in any other way. We are constructive, challenging and adopt a positive stance."

It is clear the process is independent of any political influence. Chairs from opposition groups demonstrate a recognition that these groups need to be involved as much as possible. However, taking this into consideration alongside the establishment of the working groups and the role of the Special Advisors it appears that the Authority is still seen by many as being apolitical.

There is a realisation that Scrutiny has a role to play and that it is the work not personalities that matter. Whilst it can be argued that the failure to evolve the ethos and practices of the Council to reflect having a political majority is hampering effective Scrutiny, the ethos of cooperation is one required to make Scrutiny work. The only concern is this approach goes too far and leaves the process somewhat neutered in its effectiveness.

4.4. Leading the Scrutiny Process.

Of all five Local Authorities, the move from the Conservatives within Authority A to allow opposition Chairs was arguably the most positive step for the Scrutiny process. It demonstrated how a majority group could allow Scrutiny to be a process led by opposition members, and benefit as a consequence;

"I think it's a good thing that all chairs are opposition members, it gives independence. It's more about personalities than parties and at that, we are progressing well. We are not there to pursue a party political line."

Several Labour members felt this was positive but without further steps to reflect a more Executive-opposition model it was a *"token gesture since they (Conservatives) can stop anything they want."*

Alongside opposition chairs sat Vice-Chairs from the Conservatives. This, admittedly was so these members could take a 'watching brief', a safeguard against abuse by the Chairs for political gain. It also allowed for Scrutiny to demonstrate that all perspectives were invited, which in essence represented a continuation of the collaborative approach. As one member remarked;

"That the Vice-Chairs are from the Conservatives shows that Scrutiny is not totally an opposition-led process and that all perspectives and members have a role to play."

Consequently the relationships between the Chairs and Vice-Chairs were seen as a strength of the Scrutiny process;

"There is no issue between the Chairs and CPMB based upon their party."

It was clear Chairs and Vice-Chairs understood the principal of Scrutiny and were good advocates of the process within the Council. Elected members spoke with admiration for the work they did, both in terms of what they personally undertook in the absence of dedicated officer support, and the leadership they demonstrated in ensuring Scrutiny's independence;

"I really like the Chairs and Vice-Chairs we've got; they're not a problem at all. They approach their role as it is meant to be done – to get things done for Scrutiny."

Clearly, the opposition Chairs leading the Scrutiny process had a beneficial influence. However, despite this, the process still struggled somewhat to establish itself due to the prevalence of the collaborative attitude amongst members of the Council.

4.5. Relationship with the Executive.

As a fourth option Authority, the Council operated the rarest type of new political structure. A feature unique to the Authority was the allocation of

members of *Corporate Policy Management Board* (CPMB) to Scrutiny Committees as 'Special Advisors'. These arose since political accountability rested solely within the Leader of the Council, giving all other CPMB members no accountability and arguably no real role.

4.5.1. Composition of CPMB.

The CPMB was composed of eleven elected members, divided on political balance⁹. As previously discussed, Labour turned down having representation on the Board since they felt the Authority needed to be differently politically composed. That this had not occurred led to a great deal of dissatisfaction with the process. Furthermore, despite members believing that this was a negative action, they recognised that it allowed Scrutiny to be recognised as an opposition process;

"Labour not taking CPMB seats, whilst it was negative, meant that Scrutiny will be seen as an opposition tool and it should be like this to some extent. It would be far too cosy to have Conservatives chairing Scrutiny and being expected to challenge a political programme they agree with and indeed are elected to help implement."

(Conservative elected member)

Some Councillors believed that seats on the CPMB should not be given to opposition groups, with one Councillor citing the example of Liberal Democrats who supported a move within CPMB only to then argue against it within Council;

"How is this good for opposing? They have hindered themselves in being an effective opposition by taking seats on CPMB."

⁹ Seven Conservatives, Three Liberal Democrats, One Independent.

To the Labour group, the make-up of CPMB contributed greatly to their dissatisfaction. To them it represented further the 'cosy' co-operative approach that they believed needed to change.

4.5.2. Relationship with CPMB.

Elected members felt the relationship between Scrutiny and the CPMB lacked structure and organisation. In contrast Chairs and Vice-Chairs had greater contact and interaction with the CPMB. Hence they had much higher levels of satisfaction about the relationship between the two;

"Twice a year, the Chairs and CPMB meet. Scrutiny puts forward its agenda. This is done when Scrutiny sets out its work programme and asks to see what CPMB's forward plan is to avoid duplication. The relationship is still developing but there is not a lot of tension."

This suggests they have greater knowledge of the actual relationship between the Scrutiny process and the CPMB. This was in contrast to non Chairs and Vice-Chairs who had a perception of the relationship built up from limited knowledge. Furthermore, it explains why Labour Councillors are the most dissatisfied. Only 12% of Labour members believe that CPMB did not see the Scrutiny process as irrelevant. In contrast, 75% of Chairs and Vice-Chairs surveyed felt that CPMB saw the Scrutiny process as of value.

Aside from the Chairs and Vice-Chairs, the Conservative and Liberal Democrat groups were able to discuss matters relating to Scrutiny's work and the CPMB with their colleagues who sit on the Board. The Labour Chairs meet with CPMB therefore giving more credence to their assessment of the way the Conservative group interact with the Scrutiny process. Other Labour Councillors do not possess this ability and therefore can only speculate. Their

dissatisfaction with the maintenance of the status quo is accentuated into a negative view.

When elected members are more knowledgeable about the relationship they speak positively. In response to a question about Scrutiny's relationship with CPMB, one member said that they were;

"Amicable. At CPMB level members are advised – we at Economy have good links to them where our work feeds into them and we report back to Committee on what difference it has made."

A further strand reflecting the nature of co-operation embedded in the system was the policy working groups between the CPMB and the Scrutiny process. These exist independently from Scrutiny but appear to blur the divisions between the two since the membership is composed of both sides. These allow Councillors the opportunity to develop policy, but it can become difficult to then challenge policies they have been a part of formulating.

Their purpose is to give all Councillors a role. Since only the Leader has political responsibility, some members of CPMB have no role. Allowing them to form policy working groups provides them with a further stake in developing the future of the Council. The policy groups were a genuine attempt to involve all Councillors but it had failed to recognise fully the role Scrutiny needed to adopt.

4.5.3. Special Advisors.

Despite each Committee being allocated two Special Advisors, members of Scrutiny felt aggrieved that these roles had no responsibility thus making them unaccountable for their actions;

"The special advisors from CPMB have no expertise in their field, they're just generalists and it just exists to give them something to do. It's just a gesture."

(Labour elected member)

Again, however, no problems exist within meetings between members of Scrutiny and the Special Advisors. Advisors contribute to meetings and thus provide a link with CPMB. However, this is not a formal link and since there is no accountability they are not bound by their actions.

That Special Advisors form part of the Committee and participate in questioning when a call-in is enacted demonstrates the co-operative nature of the Authority as well as the blurring in distinction between CPMB and Scrutiny. It demonstrates the difficulty in establishing an independent branch in a system accustomed to collaborative measures. In the opinion of this thesis, this remained the biggest hindrance to Scrutiny within Authority A.

4.6. Conclusions.

Within Council A the majority group are relatively relaxed about the role of Scrutiny. The principle of a collaborative approach that has guided it for many years has largely continued.

This had led to the argument from Labour Councillors that the Scrutiny system has been apoliticised by the Conservatives for political gain. Evidence, however, does not back up this assertion. The Conservative group have allowed opposition chairs and relaxed the procedure for call-in. This does not bear the hallmark of a group wishing to limit Scrutiny.

The Conservative group had failed to appreciate that it held the majority of seats in the Council. They still favour a cooperative approach, which makes it difficult to establish an independent Scrutiny system. The process is limited

since co-operation hinders its potential to effectively scrutinise a process of which it remains a significant part.

In addition to this, with only one role having any formal accountability, members of Scrutiny see the existence of Special Advisors not only as an attempt to continue this collaborative approach but also as a tokenistic gesture to allow the Advisors a role in the Authority. If accountability was to be shared amongst members of the *Corporate Policy Management Board* (CPMB), making it more of a Cabinet-based model then there would be no requirement for Special Advisors. At present members of Scrutiny believe their existence within the Authority demonstrates Scrutiny is only there to serve a functional purpose.

Such a move would also negate the need to establish working groups between Scrutiny and CPMB to provide something additional for these elected members to do. This would allow Scrutiny to take full ownership of these issues, giving the process a more meaningful and valued role in the Authority.

The CPMB feared how Scrutiny could challenge its authority, but to a large extent the collaborative ethos of the Authority had remained. They did not fully appreciate that they now were working in a system, which they were in control of.

The potential exists for the Council to move to a more administration-opposition model and become a more successful Scrutiny system. The relaxing of the rules for call-in and appointing opposition Chairs provided a strong basis. Having Chairs and Vice-Chairs that understood the role of Scrutiny could ensure that the process becomes a real strength. Other factors such as officer support would need to be resolved but this would be an excellent base for Scrutiny to build upon.

5. Local Authority B.

5.1. Setting the scene.

5.1.1. Demographics and Profile.

Authority B is a large County Council situated within the North of England. Geographically it covers a wide area embracing great variety in landscape. Its total of 860 square miles (Audit Commission, 2004, p.6) covers coastal areas, urban cities and rural moorland. Economically, the Authority has undergone a transformation in recent years. Traditional heavy industries such as mining, steel and engineering have declined. Today, the Authority is more reliant upon high-tech manufacturing and the service sector (Audit Commission, 2004, p.6).

With this strong tradition of heavy industry, most of the County remains rural. A large number of the remaining small settlements exhibit the remnants of this industrial background, i.e. high unemployment, particularly amongst middle-aged males, high reliance on benefits and significant disability rates. The population of the area is approaching 500,000, of which 1% is of black and minority ethnic background. With twelve main towns and over 230 small towns and villages, Authority B is a diverse area.

5.1.2. Political Background.

Authority B operates within a two-tier system with seven District Authorities operating beneath it. Politically the Authority has a strong background of Labour control. Elections have always returned a Labour majority, very often with an overwhelming majority. The CPA process marked Authority B as an 'excellent' Authority.

The research in this Authority took place between December 2004 and August 2005. Elections took place in May 2005 and returned Labour with a huge

majority once again. Prior to this, the political make-up of the Authority was strikingly similar, demonstrating its settled political base.

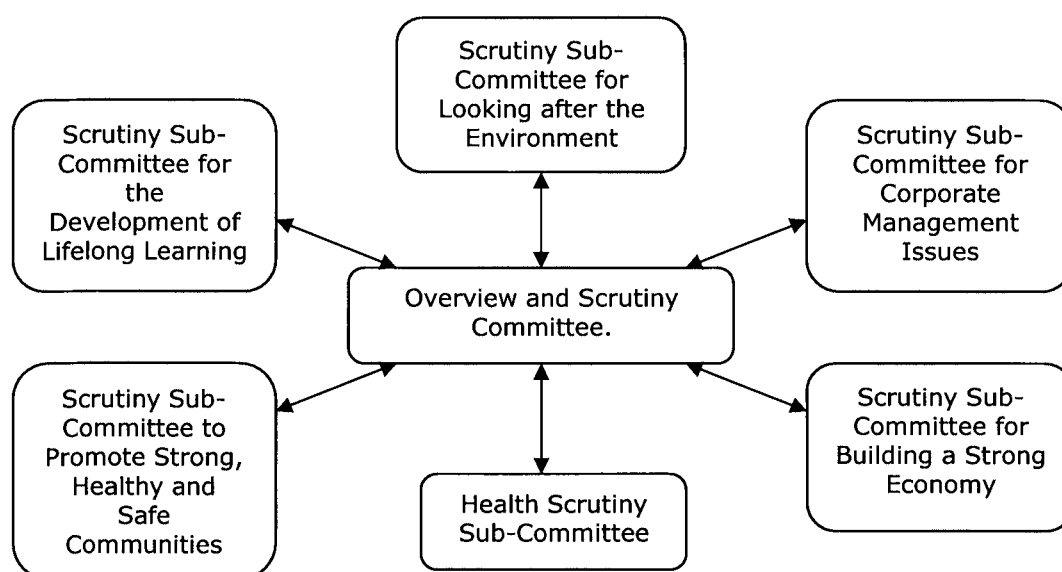
Total number of members	63
Labour	53
Liberal Democrat	5
Independent	3
Conservative	2

5.1.3. Political Structures.

Like the vast majority of Authorities, Authority B chose to go with the Cabinet and Scrutiny structure, whereby a Leader selected by the full Council would head a Cabinet. Consequently, they operate with an eight person Cabinet, each with responsibility for a portfolio of services.

Shadowing the Cabinet is a Scrutiny structure, composed of one full *Overview and Scrutiny Committee*, five Scrutiny Sub-Committees and one external Scrutiny Committee (Figure 14).

Figure 14. Overview and Scrutiny structure – Authority B.



Overseeing the Scrutiny process is one large *Overview and Scrutiny Committee*, which is composed of over fifty elected members. All those Councillors who are not part of the Executive sit on the Committee, and a Labour member chairs it. Its role involves acting as the co-ordination panel of the Scrutiny process. It allocates the workload and resolves any issues relating to any Sub-Committees work programme.

Once the various Sub-Committees have completed reports, they are forwarded to the Overview and Scrutiny Committee. It acts as the final point of consideration on the reports, before they are taken to Cabinet for discussion and agreement. It acts as the main focal point and lead for Scrutiny in the Authority, often participating in discussions with Cabinet over policy and practice. Consequently, the Chair of the Overview and Scrutiny Committee is a high profile figure within the Authority.

The five Sub-Committees are all named after the overall priorities of the Authority. This focuses each upon contributing to the achievement of the Council's priorities. It is an attempt to ensure that Scrutiny is focused. Topics are selected for each Sub-Committee at an annual meeting of the *Overview and Scrutiny Committee*. At this point, elected members are given a list of possible topics for investigation, which come from consultation between leading members of Scrutiny, Cabinet and Chief Officers. A vote takes place amongst elected members and the most popular topics form the work programme for the forthcoming year.

The first Sub-Committee is the *Scrutiny Sub-Committee for Development for Lifelong Learning*. Its objectives are to improve the levels of education from early years to adults through ensuring opportunities exist for people to achieve

their potential. Each of the Sub-Committees is made up of twenty-four members and is chaired by a member of the Labour group.

The *Sub-Committee for Promoting Strong, Healthy and Safe Communities* seeks to build cohesive communities through building vibrant communities and eradicating some of the problems blighting communities such as poor health and crime. The *Sub-Committee for Looking After the Environment* is concerned with the natural environment of the County. It seeks to promote the natural beauty of the area through tourism and subsequently takes an interest in developing a transport system that allows the area to be appreciated whilst minimising damage. It also concerns itself with energy conservation and consumption.

The *Sub-Committee for Building a Strong Economy* is concerned with ensuring the mechanisms exist for a strong economy in the County. This includes stimulating growth through ensuring the workforce is in place with the necessary skills. The *Sub-Committee responsible for Corporate Management* issues takes a more proactive role since it works more closely with the Cabinet on matters such as the budget and asset management. It also is the place where Scrutiny receives reports such as the Best Value Performance Plan. This important Sub-Committee is made up of sixteen elected members.

The potential exists on all these Sub-Committees for up to six co-optees to join the members and sit on the Sub-Committee. This allows the Sub-Committee to benefit from the knowledge and expertise of outside bodies from across the County. Whilst these co-optees are members of the Sub-Committee and *Overview and Scrutiny Committee*, they are not permitted to vote on any matters, should a vote arise.

As a County Council, Authority B has the obligation under the Health and Social Care Act 2001 to carry out external Scrutiny of the health service. Membership extends beyond County Councillors to include representatives from the District/borough Councils working under the County. The split between County and District elected members is 50% each, demonstrating that this role is one for the whole of the County.

A call-in can be triggered at the request of the Chair of the *Overview and Scrutiny Committee* or by the Chair and Vice-Chair of the appropriate Sub-Committee along with four other elected members of that Sub-Committee. At present, one call-in has been enacted by Scrutiny in Authority B.

All Chairs and Vice-Chairs of the Scrutiny process are from the majority Labour group. Two Officers who provide assistance and research to the members support the Scrutiny process.

5.2. The Context of the Authority.

Within Authority B, the context of the Authority had a significant impact on the Scrutiny process. As a large County Council, it naturally has more areas over which it has jurisdiction. Potentially this gives Scrutiny the capability to operate at a level much higher than in smaller Councils, and over a wider range of services.

The Authority has a strong background of Labour control. Consequently the Labour group is in a supreme position and is accustomed to wielding considerable power. What opposition groups exist do so on the periphery. Within Scrutiny the Labour group vastly outnumber Councillors of the opposition

as well as those co-opted members. One further relevant factor was the previous role of the Leader of the Council as the Chair of the *Overview and Scrutiny Committee*. This was to play a prominent role in the impact of the majority group on the Scrutiny process.

5.3. The Views of the Political Groups.

5.3.1. The View of the Majority.

Within Authority B, the Labour group were overwhelmingly enthusiastic about the Scrutiny process. 82% of respondents felt it was progressing well, with only 9% believing it not to be. The negative views came from more experienced Councillors who felt that Scrutiny deprived elected members of the powers they used to possess. These were very small in number.

Those Labour elected members gave a long list of factors that they felt were positive;

- Cross-party working
- Actual positive outcomes
- Public Engagement
 - Use of external sources of information/expertise
- Member involvement enhanced
- Member knowledge enhanced
- The monitoring of recommendations
- Officer/Member relations
- Little confusion existing over Scrutiny's power/role
- Sufficient resources were allocated to Scrutiny
- A strong status within the Council
- Sufficient training was provided to members
- Party politics was not a problem

- Executive was receptive to the work of Scrutiny

Since so many factors were identified as being positive, not surprisingly elected members unanimously believed Scrutiny to be an improvement on the previous system.

- 64% felt arrangements were more accountable.
- 73% felt arrangements were more transparent.
- 82% felt arrangements were more inclusive.
- 64% felt the final decisions and policies were better.

Councillors believed Scrutiny was a worthwhile activity to become involved in within the policy and decision-making process. This view clearly emanated from those within the Cabinet. 100% of elected members believed that the leadership saw great value in Scrutiny, as this remark demonstrated;

"What we do results in policy. We look at current practice and policies. The impact? Very positive. It works!"

All elected members reported that Scrutiny was discussed within the group. Such is the group's dominant position within the Authority, this suggests they see a value in Scrutiny that its members recognise and appreciate, as this Councillor remarked;

"We have probably something like 90% of our members in Scrutiny. Are we going to ignore it? Hardly. It's the important thing for us and that's recognised."

At this point the views of the disgruntled elected members were explained. That they concur with their colleagues that their group supports and embraces Scrutiny demonstrates that unhappiness rests solely on their belief that being in

Scrutiny deprives them of the power they used to wield. As one Councillor remarked;

“Members of the public assume their elected Councillor will have some power influencing decisions and they are wrong. Non-Executive Councillors have little power and can only try to influence Cabinet decisions. This is usually better done by personal contact with their cabinet member or leader. Scrutiny keeps non-Executive Councillors occupied - to what purpose?”

The disenfranchisement of what one Chair described as the “dinosaurs” (referring to the elected members detached from the process) was recognised. Every attempt was made to draw these elected members into adopting the mindset for Scrutiny. However, it was made clear throughout by those leading the process that if members did not join in, Scrutiny “*would not wait for them.*” This view was emphasised in particular by one member;

“They have to realise we are doing this now and for the people. If they want to contribute then great, but if not then we aren’t going to wait and beg them. It’s their call.”

With the vast majority of Councillors within Scrutiny possessing a comprehensive knowledge of the process (as well as a determination to make it work), it was conceivable that this was a power base on a par with that of Cabinet. Consequently, it did not appear that Labour elected members were ‘controlled’ within the Scrutiny process.

- 91% had not been instructed on how to vote in Scrutiny.
- 64% said they were not monitored by their party when in Scrutiny.

Demonstrating the thoughtful way that Labour Councillors approached Scrutiny, they felt there were still ways in which it could improve. Despite what was

already regarded as successful public engagement, some members believed it could still be better;

“We go to the public, not wait for them to come to us. A lot don’t do that. We do. But just because of that, we don’t assume it’s perfect. We can always do more. That’s why we’re here.”

In discussing how opposition Councillors worked within Scrutiny, Labour Councillors felt that inter-party relations were positive. Opposition Councillors contributed to the process and consequently made it feel like Scrutiny was a cross-party process despite the heavy balance favouring the Labour group. As one Labour member argued;

“In the last four years I would say that we have worked together quite well. We’ve now got a new intake with a few new members to Scrutiny. Whether they’re just getting their feet set and seeing how we work or what, I don’t really know. I suppose time will tell. One in particular I can think of has his own agenda that he forwards but I do think the majority of them see the benefit from working together.”

These positive relations extended beyond elected members to co-opted members. Indeed, it was drawn to the researcher’s attention during interviews that initially many elected members resented co-opted members’ presence. However, it had subsided once elected members learnt about the role of Scrutiny and the focus was now on achieving outcomes.

5.3.2. An Opposition View.

The three opposition groups were also very satisfied with the Scrutiny process, sharing the vast majority of positive views expressed by Labour Councillors. Again, they felt that the introduction of Scrutiny was a positive part of the Council process, with elected members feeling involved in the process and

better informed as a consequence. Clearly, this made for a positive atmosphere within which the Scrutiny process could prosper.

Councillors reported optimistic views about the process being held by their respective parties. Elected members were encouraged to participate fully in the spirit of the arrangements, offering suggestions on policy and practice. Perhaps unsurprisingly considering their small numbers of Councillors from each group, elected members were allowed to freely express their own views. One member spoke of how the sole condition placed on their involvement was that no behaviour that embarrassed the group would be tolerated;

"I can pretty well stand up and say what I like. I have no problem raising my voice and asking the awkward questions. I've always tried – because I think it's important to remember that if you want to influence people you have got to be logically consistent. It's not terribly political. If I'm trying to influence members I know I've got to do it in a certain way, waving the flag is not the way to go about it."

The process of Scrutiny is an important issue for each group since it is the only avenue through which they have the opportunity to influence policy. Being outnumbered meant that they *had* to adopt a positive approach to the process. If they had sought to disrupt Scrutiny then such was their low numbers it would have had no impact on the process at all. The political balance clearly impacted upon the outlook of the respective participants.

Opposition groups recognised that Cabinet listened to the views articulated and the recommendations made. They felt that Scrutiny made the Authority more transparent and accountable but that Scrutiny struggled somewhat to be inclusive. This was believed to be due to the Labour group keeping many of the larger issues for debate within group. As one Liberal Democrat member argued;

"If something is really contentious then it goes to group. At the end of the day, Scrutiny issues go through the Labour group. In another sense, at least things get more of an effective grilling. The real decision is still taken in the Labour group."

This was a small criticism made by opposition groups. The Labour group still appeared to operate a closed environment and were perhaps not as open as they could have been, claimed an opposition member;

"They will close ranks in public. They all know that if you step out of line in public then you're on a rocky road to nowhere. You do hear arguments, pretty blunt ones, going on in these closed groups. I suppose you're always thinking about the impact of what you are saying. There's only ever a degree to which you can rock the boat isn't there? After a while you're on the road to nowhere. I also think there's a generational thing. Those long-term members loath to criticise the establishment, whereas the younger ones are more willing to. But I have seen the group chop someone down at the knees."

It was also felt that there ought to be greater prominence given to opposition Councillors in the process. However, this view was still relatively weak and not shared by many, since they recognised they only occupied a small number of seats. This argument aligned itself with the view that perhaps whilst it was an improvement that there were opportunities to make an impact within Scrutiny, it was still restricted by the Labour group. As one Liberal Democrat member noted;

"A Labour core ran things, in many ways this hasn't changed much only now this inner core are a lot more public. ... The model is potentially pretty fair. Maybe because there are too few minority members to sustain the pressure for looking at the bigger issues it doesn't really happen."

5.4. The Impact of Policy Development and Review.

When questioned as to why they felt that Scrutiny had been particularly successful at establishing itself within the Council elected members cited the

flourishing policy work undertaken. Like many Authorities, the process had focused on evaluating and then developing policy suggestions for the Authority. It was recognised by members, shown in this comment by a Labour member, that policy development and review were unequivocally linked and recognising this had contributed to the impact made;

“At first we had Overview and Scrutiny separated from policy development. And we struggled with that. It’s hard to separate the two since where does one end and the other begin. What I think though, is that we’ve had a really good learning experience. To get something to work better, you’ve almost got to see the dysfunctional parts so you know how bad it can be. What we do now is make sure that Scrutiny is holistic, everything, as you know, links in together.”

The examples below of recommendations from Scrutiny that went on to form Council policy indicate a strong level of knowledge amongst elected members of the processes involved in the acceptance of recommendations. It also demonstrated the level of monitoring taking place. Elected members felt empowered to track recommendations through the regular briefing to Committees. Evidently, this was central to them developing a strong sense of faith in the Scrutiny system.

- Transport to school.
- Children’s transport.
- ‘Carrier bag culture’.
- Crime & disorder reduction partnership issues.
- Access to the Coast.
- Aids & adaptations for older people.
- Winter snow clearance policy.
- Recycling.

Scrutiny has even moved beyond influencing policies and begun playing a prominent role in the budget-setting process, seen through the literature as a difficult process to influence (Ashworth, 2001, p.9, Ashworth and Hunt, 2003, p.19, Dungey, 2001, p.10, & 2003, p.1 Leach, 2001a, p.17). This was considered by officers and elected members alike to be the “*jewel in Scrutiny’s crown*”. It proved how Scrutiny was viewed on a parallel with the Cabinet and some Scrutiny Chairs had similar status as Cabinet members. As one member involved in this process claimed;

- (Councillor) *“The impact has been in the reports that we have produced and also the budget, the influence we’ve had on that. If anything, we’ve been too much of a success with the budget. Remember that _____ is speaking on behalf of fifty members as opposed to just ten on the cabinet – that’s quite a majority and both he and they know it. So we have got to be careful to make sure that we don’t end up leading, we should be influencing and guiding them on what we think, not setting their agenda.”*
- (Interviewer) Would you say that’s happened, that Scrutiny has led on the budget?
- (Councillor) *“Yes, probably.”*

Evidently the excellent knowledge elected members possessed about Scrutiny, combined with their firm ideas on how they wished Scrutiny to proceed led to their success. Structural issues such as a standard six-month monitoring report on recommendations allowed members to track their own work, and also to demonstrate to sceptics that involvement in the Scrutiny process was worthwhile.

5.5. Challenging Decisions.

Again, like elected members in the vast majority of Authorities, members spoke of their feelings upon firstly being made aware of Scrutiny. The view was that Scrutiny would look at challenging and examining the decisions taken by Cabinet.

There were Councillors from the Labour group who felt that perhaps more ought to be done in this area. In response others felt Scrutiny did keep a close eye on matters being considered by Cabinet. It was just that, as an Authority that the Comprehensive Performance Assessment awarded 'Excellent' status, the need to challenge was not as great.

Furthermore as previously noted, many issues (particularly contentious ones) were still resolved within the Labour group. However, the Labour membership made assurances that Scrutiny would challenge if it was felt right. This members' perspective reflected the views unanimously forwarded;

"The Leader of the Council came from a Scrutiny background. We have no whip nor will we ever have one, we won't stand for it. Here, the Executive is elected by their own members; they won't turn it against us. A lot of differences are sorted out in the group meetings. We have a strong mandate to work which gives members the feeling that they can be independent."

The call-in process had been used with members of all political perspectives believing that the process had worked well but it was not a mechanism that should be used often. Again, this perspective from a Labour member reflected the view held by everyone within the process;

"Call-in is a weakness – it shows no dialogue. There should only be call-in when there is no policy or the policy is so archaic. Scrutiny is there to bring the decisions to account, and to monitor progress. Scrutiny is not here as opposition. We're constructive but critical. Call-ins are more about being destructive. We're about effecting change not blame and that is what call-in creates."

Councillors claimed to be unafraid to use call-in but clearly were of the mindset that there were other mechanisms to explore before taking this option. A matter could be called-in by the Chair of the *Overview and Scrutiny Committee* alone or by the same individual as well as the Vice-Chair and four elected members

of the relevant Committee. This mechanism was an attempt to strike a balance between being open to abuse whilst not deterring and preventing its use. That elected members were satisfied with this demonstrated that this balance had been struck. It also emphasised the central role of the Chair of the *Overview and Scrutiny Committee* within the Scrutiny process.

The recognition that decision-making was more transparent than it had previously been, combined with an acceptance of how certain issues continued to be conducted took the focus away from challenge which is where many elected members across the UK focus their mind. Not allowing themselves to concentrate upon this single aspect combined with a commitment to the Scrutiny process contributed greatly to the successes enjoyed.

5.6. Leading the Scrutiny Process.

Great responsibility within Authority B was vested in the Chairs of Scrutiny since they were in roles that many members compared to the level of Cabinet members, and even seen as more senior than some. In response to a question about whether some members have become more powerful, one Councillor said;

“Yes, Councillor _____ has far more influence, probably more than quite a few of the portfolio holders. And he’s certainly got more knowledge than Cabinet members. He definitely does challenge Cabinet members over things and has influence. Other Chairs and more laid back but are equally valuable members for the insight that they bring. And other members are happy to just let him lead.”

With such a large Labour majority it would not have been surprising if Chairs had adopted a approach that was not as focused and determined. But this was not the case. Chairs were enthusiastic, positive, very much in control of the process and took nothing for granted. They recognised that Scrutiny was

constantly evolving and were always seeking to include all elected members and co-optee's. They understood that the process needed constant consideration to maintain its momentum and continue to improve.

The demand for opposition chairing was not particularly vociferous from opposition Councillors. They recognised that they were outnumbered by a large majority so the argument about occupying these positions was not as strong. To their credit, they did not allow this to cloud their opinion of the process, as this member proved;

"As a safeguard, it adds to the credibility of the Council and for that it's a good thing. But I can see how in a Council this size and composed this way it would be a problem."

In contrast to the relaxed manner that opposition Councillors approached Chairing with, Labour Councillors defended strongly what they saw as their right to lead Scrutiny. This view expressed by a Labour member reflected the views of the majority of members;

"The mandate is very clear from the people, and we would be crazy, politically crazy to give the opposition the opportunity and the power to use it against us as opposition. Stupidity. I tell you what, when its starts being done nationally then we'll think about it here. There is no requirement for political balance and just because some guru says that it should be done, it doesn't."

It was clear those holding positions of responsibility within Scrutiny could therefore take a great deal of credit for its success. It could have been easier for them to look to Cabinet for guidance on how to manage the process but they have instead fostered an inclusive Scrutiny 'community' ethos. This was to their credit and the credit of the leadership to permit this freedom that was not granted within the other Councils.

5.7. *The Relationship with Cabinet.*

The relationship with Cabinet was an intriguing one to investigate due primarily to the political balance. However, as the research developed the fiercely independent attitude demonstrated amongst Scrutiny members meant this relationship would take on added significance.

Members firmly believed that a positive relationship existed. 85% of members surveyed believed the Executive was receptive to Scrutiny. Only 7% disagreed. From their experiences of working with Cabinet, they believed Scrutiny was seen in an extremely positive light. It was believed by many members that the role of the current Leader of the Council as a former Chair of the Overview and Scrutiny Committee ensured this positive relationship. As this Councillor explained;

"He knows what we are all about. That isn't the biggest factor but it definitely helps. So many places are hindered by those in charge having misgivings and not understanding Scrutiny. We don't have that."

Recognition clearly existed from Cabinet that the Scrutiny process had a right to challenge and they were aware that they could be challenged if it was felt necessary. Cabinet also adopted an approach that on occasion saw it and Scrutiny coordinate its matters in order to produce a more corporate approach. Several examples were given on matters considered by Scrutiny after requests by Cabinet members. However, this member emphasised how Scrutiny retained its independence and only considered matters if they believed it would be beneficial;

"Sometimes the Executive have asked Scrutiny to look at things and I will consider them but I won't always do it. It could mean we take our eyes off the ball and I'm a bit reticent about it."

With Scrutiny also focusing on the priorities of the Council, the Authority appeared to manage to operate an independent system of Scrutiny without isolating itself or aligning itself too closely with Cabinet. When asked about the relationship between the Scrutiny process and the Cabinet, one member explained;

"There was some tension between the two but not now. At first, the ones not on Cabinet were jealous. When Cabinet members first came along to Scrutiny, the members said "We can't have that – get them out!" but now they participate and do come along. They usually ask though, so as to maintain a good relationship. Also, when we present the report to the cabinet members talk directly to other members."

Clearly the independence was retained, and elected members were able to distinguish between their roles within party and their roles within Scrutiny. Unquestionably this was aided by a Cabinet, which understood the purpose of Scrutiny and respected its right to pursue its own path. Whether this would be the case if there were greater numbers of opposition members is unknown. Potentially the knowledge that large numbers of its own members are within Scrutiny enabled this relaxed attitude from Cabinet towards the process.

5.8. Conclusions.

Unquestionably Scrutiny was progressing very well indeed. When observing this professional approach, it was surprising to hear from elected members and officers the difficulty they had when Scrutiny was first introduced only a few years previous;

Clearly, the negative experiences of elected members and officers allowed them to see how the Scrutiny process could fail, and therefore be able to develop ideas about how it could operate successfully. From what sounded like

a nightmarish start, the system had been reformed into a model that functioned effectively. According to one Councillor;

"There was only going to be ten of them on Cabinet, so they felt a complete loss of power. I think they also resented the factor of change, like anyone does do. So when we started we had fifty disgruntled members all in a room together which was not good. Well, slowly really. We needed a quick win to show them it could work. Members and especially the new intake, which helped a lot, saw that they could use issues and do things in a different way. They began to see the benefit of the system, they saw we could use it to get out there and then use their skills as politicians to talk to people and to sell what we do to them. How we did it was very gradual, we did different things – tried different things to see what works. Even down to getting people in and giving them cream cakes!"

A strong Executive, confident in its own policy direction and possessing a strong understanding of the role of Scrutiny contributes to the success the process can have. Even the slightest negative view could allow members of Scrutiny to believe that any efforts would not be wasted. But within Authority B this does not exist. After some initial resistance it was evident these attitudes had been instilled in people through the efforts of those within Scrutiny;

"We are at the front of all the leading authorities as regards to Scrutiny because we have the positive political side and we have a leader of the Labour group who used to be leader of Scrutiny. The Chief Officers needed to be brought on board and this took time. You could see when they first came that they thought it would be confrontational and it would be hard for them. And it took time to win them over and we had to do that by being professional. We had to earn that respect and trust from them and we have done so. But key was that we earned the trust and respect in Scrutiny. We proved internally and corporately, because that is all important these days that we are a benefit to the Authority."

A further factor in the success was the level of officer support provided.

Members believed that their strong status and skills contributed greatly. Without them, members of Scrutiny believed the process would lack a true 'professional' approach;

“Dedicated officer support is absolutely vital. And I think that it is even more essential that these officers are independent and of a sufficient level within the organisation.”

The political circumstances of the Authority also contributed to the success. With such a large majority, members were under no illusions about their role. Therefore, major significance was not attached to matters such as opposition chairing, a perceived lack of challenge and the role of the Labour group. Consequently, the process was not hindered by any Councillor seeking to hijack it for an ulterior motive. If an opposition presence had been greater then it is questionable whether the Labour leadership would have allowed Scrutiny the freedom it enjoyed. Based on the experiences of other case study Authorities when a larger opposition presence existed, the majority political group tended to be more restrictive.

The Labour group understood the power of Scrutiny, composed as it is mainly of Councillors from its own group. It was evident that as they were in such a large group they were not going to be dictated to by a small number of opposition Councillors. Opposition groups recognised improvements on the old system. Some practices had continued from the past but this did not deter them. They understood how Scrutiny worked and sought to participate and contribute.

Consequently, these factors led to success in the outcomes of Scrutiny. These were frequently emphasised so even those sceptical recognised the value of the process and the role it played with the Authority.

“The legitimacy of Scrutiny here is recognised. We’re of huge benefit to the Council – we’ve proved that. It’s a way ordinary members can articulate pressures and problems raised in their communities. In that way, Scrutiny is valued here.”

It is clear Scrutiny within the Authority is performing very well. The Labour majority group have an excellent understanding of the process and are accepting of its legitimacy and its right to function effectively. No fear exists of being challenged. Elected members enjoy their roles and enjoy the work they do. In many ways this could be considered to be the ideal Scrutiny process, although it is believed that many factors, some that existed by chance and some that occurred as a result of design assist the process.

6. Local Authority C.

6.1. Setting the scene.

Authority C is a Liberal Democrat controlled Unitary Authority located in the north of England. It became a Unitary after the Local Government re-organisation of the mid-1990's¹⁰. Geographically it covers an area of 105 square miles and is dominated by one major urban city. Surrounding the city are numerous rural settlements. The population of the Authority is just under 180,000 and of this, less than 1% comes from black and minority ethnic backgrounds. The population is continuing to grow rapidly. Between 1981 and 1998 it grew by 7.2% and over the next decade, projections estimate further growth of around 12%. The main city in the Authority is a popular tourist destination (Audit Commission, 2002, p.7).

Demographically, the area is affluent, with unemployment standing significantly lower than regional and national averages at just 1.7%. However, there are still pockets of deprivation. Two wards are among the most deprived nationally and have unemployment levels of as much as 11% (Audit Commission, 2002, p.7). Eleven of the twenty-five wards are in the 25% least deprived wards nationally.

6.1.1. Political Background.

An Audit Commission Corporate Assessment in December 2002 described as 'improving'. Prior to elections in May 2003 the Authority was under No Overall Control;

Total number of members	53
Labour	25
Liberal Democrat	24
Conservative	3
Independent	1

¹⁰ The Authority was established in July 1996.

The elections in May 2003 returned a Liberal Democrat majority;

Total number of members	47
Liberal Democrat	29
Labour	15
Green	2
Independent	1

The election of a Liberal Democrat majority for the first time was a major change for the Authority, as prior to the establishment of the Unitary Authority the Labour group tended to be in the ascendancy.

6.1.2. Political Structures.

Authority C chose the Cabinet and Leader model for its Executive decision-making structure. The Executive is made up solely of eight Liberal Democrat members and the portfolios are loosely shadowed by the Scrutiny system. Consequently, Scrutiny has nine permanent Scrutiny Boards (Figure 15). It also has the ability to establish two ad-hoc time-limited panels to conduct investigations into topics selected, after deliberation by the *Scrutiny Management Committee*. There is a limit of two ad-hoc panels at any one time simply because it is seen that to have more, in addition to the Scrutiny Boards would prove too onerous for the Scrutiny Officers.

Three dedicated officers support the process. This is made up of one Scrutiny Manager and two Scrutiny Officers who provide assistance and research support to members of Scrutiny.

Topics are selected for Scrutiny through a format, which allows any Councillor, officer, community group or member of the public to propose a topic for investigation. This involved completing a form suggesting avenues for the

review to follow. This form goes to the Scrutiny Management Committee for discussion before a decision is taken on whether to proceed. Those forwarding the proposal are invited to the Committee to discuss the matter.

Within Authority C, a series of *Executive Member Advisory Panels* (EMAP) are operated. These are divided according to political proportionality and are used by the Executive as forums to discuss and debate policy. In some ways this operates as a parallel Scrutiny process since it can be argued this is the venue for the challenge element to take place. However, since it operates outside the non-political arena created within Scrutiny it can falter somewhat by blatantly dividing along political lines.

The *Scrutiny Management Committee* oversees the Scrutiny process as a whole. It acts as the body responsible for allocating topics and determining adherence to the work programme. It also acts as the final forum where a Scrutiny report is debated, before being forwarded to the Executive for comments, after the appropriate Scrutiny Board completes it. Furthermore, as part of its remit it acts as the body that decides upon which topics to allocate as ad-hoc topics, as well as the membership of that group.

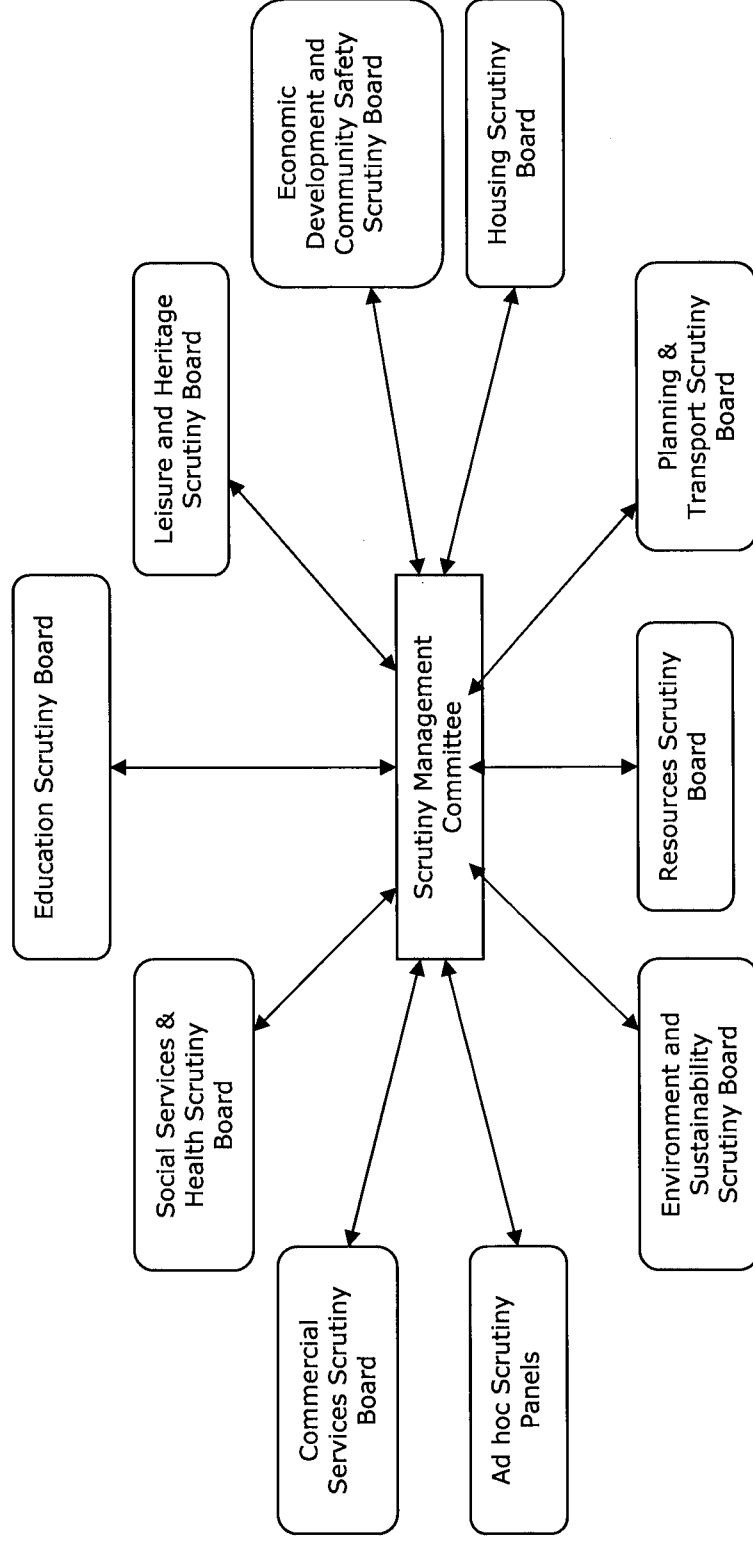
According to the Constitution, each of the Scrutiny panels has the ability to conduct an in-depth investigation of a policy issue (within its stated remit – see Figure 15). The remits are focused around the portfolios of the Cabinet members. They can also review and scrutinise the performance and policies of the Executive. The work primarily done within Authority C has been that of policy review and development of new proposals. Little has tended to be done on ‘scrutinising’ of policies as this role has tended to be taken by the EMAP’s.

The Scrutiny process has been responsible for some successes within the Authority. Without the work of Scrutiny it is clear that the environmental agenda within Authority C would not have picked up the momentum it has. The main work undertaken by Scrutiny was a review of flooding which led to several actions being taken by the Authority. Further productive reviews have taken place such as energy efficiency in Council buildings and also in private and public sector housing, into renewable energy and planning guidance.

At the time of the research, a Constitutional Review was underway and it was anticipated that some changes would be made to the Scrutiny process. The call-in process states that a call-in can be brought by at least three elected members of Scrutiny. No restrictions are placed on call-in as regards the groups these members are drawn from. When making the call-in a reason must be lodged at the time, citing the reasons for this. However, since the Council operates the EMAP's and as the remit for each of the Scrutiny Panels is focused towards policy development; it seems that the ability for Scrutiny to challenge is rather limited.

The Scrutiny process has, since 2003, gradually become taken over by the Liberal Democrat majority. Prior to the 2003 elections, the Constitution stated that an opposition member would chair the Chair of the *Scrutiny Management Committee*. However, this was changed after the elections and now a member of the majority group chairs it. The Chairmanships of the Scrutiny Boards have also gradually been removed from opposition control. The Liberal Democrat majority group feel that if the Chairs were in opposition hands these positions would be abused to make political attacks, whereas the opposition feel that the majority group are being overly restrictive in their Scrutiny practices.

Figure 15. Overview and Scrutiny Structure – Authority C.



6.2. *The Context of the Authority.*

As a relatively new Authority the lineage of what became Authority C indicates a pattern of Labour Party control over the previous twenty years. However, in the 2003 elections the Liberal Democrats were returned to power. Initial impressions from the research were that this change in party control had a profound impact.

In 2005, this was still evident. The Liberal Democrat Councillors felt they were still “*sorting out the mess*” inherited from their predecessors;

“I think a lot of the ethos of Authority C is shaped by the Labour years. That was from 1981 to 2003 – twenty-two years. To break down that divisive ethos that existed is very hard indeed, especially to those of us who are used to consensual authorities.”

(Liberal Democrat elected member)

In contrast, the Labour group felt that since coming to power, the Liberal Democrats were quick to lay the blame for their failings on the previous Labour administration. It was clear even before considering Scrutiny that these two groups, who made up the overwhelming majority of elected members on the Authority (only three Councillors were not part of these groups), were antagonistic towards each other for a number of reasons. Scrutiny appeared to be another venue where the frustrations were expressed.

6.3. *The Views of the Political Groups.*

The most striking fact within Authority C was just how different the views of the two principal parties were. The Liberal Democrat and Labour groups held very definite opinions on the process. 100% of Labour members said Scrutiny was not working, which stood in contrast to only 25% of Liberal Democrat members saying the same. 50% said that Scrutiny was working well. These differences

demonstrated that both groups firmly believed that they were in the right and this often produced an acrimonious process.

6.3.1. The Majority Liberal Democrat Group.

The Liberal Democrat group was satisfied with the process with 75% believing it had positive outcomes. This stems from their ability, through possessing a majority to be able to impose their will upon the Scrutiny process.

75% of Liberal Democrat members said their group were in favour of Scrutiny, the highest proportion amongst the political groups with only 12% reporting indifference to it. No members felt they saw it as an obstruction. The Liberal Democrats displayed a higher level of satisfaction since they were able through their political majority to impose their own vision onto Scrutiny. The research also uncovered instances where this power had been used to modify the process. This will be discussed later in the thesis.

Despite this higher satisfaction level, there were also instances which suggested that those within the higher echelons of the group did not fully appreciate the potential of Scrutiny. Responding to a question on the views of their group, one Councillor noted;

“They’re split if I’m honest. Some of them see it as interference, those members that want to get on with things and then there are those who think that it is only there because the Government said that it had to be. But on the other hand, there are members that are keen and are interested in the work that Scrutiny does. But I would say that they guide not influence the Boards on what they could do.”

The views held of opposition groups and in particular the Labour group indicated a great deal about the context of the process. They believed that

certain members within the Labour group used Scrutiny in a negative manner, as one Councillor described;

"Groups still stick to themselves, and they run the agenda for their own publicity so they can embarrass and make a name for themselves. I've not come across it in my own committee but I've been told that it can happen in some of the others. There are some Labour members who are highly politicised in all the meetings that they attend."

This belief was given as justification for some of the changes since 2003. The gradual removing of Chairs from opposition groups was justified since it prevented the abuse of Scrutiny. To this member, this demonstrated their belief in the role of Scrutiny, believing it was only the actions of the opposition that hindered the process working;

"Some are political and as I said, are like that all the time. They're very very negative about all the decisions even though it's for the good of the people. They can't see past their political ideas. They then make everything go on party lines, and see Scrutiny as a chance to advance their own agenda thus making everything a complete waste of time."

50% of Liberal Democrat members felt they had to operate within party politics, the largest proportion amongst all political groups. It was initially unclear whether this was a reaction to these Labour elected members, or whether the pressure came from within their own group. However, as the research developed it became clear that the pressure came from within elected members themselves.

This was not just a reaction against Labour elected members' actions but also a consequence of the *Executive Member Advisory Panels* (EMAP) that preceded Scrutiny. These are political arenas and many elected members often found it difficult to shift mindsets when one followed directly after the other. This

existence of political behaviour ran throughout the research and led to Scrutiny under-performing.

6.3.2. The Labour Group.

As already noted Labour Councillors had a great deal of dissatisfaction with the process. Principally they felt that Scrutiny was operated unfairly. Summarising his groups views, one Councillor observed;

"They're not happy with it. They want more emphasis placed on the scrutinising of the Executive. Obviously, they weren't happy with it since they lost control of the Council back in 2003, but as I said earlier, Scrutiny was set up on the premise that the Council was hung but it isn't now. Since that time we've become less and less happy."

50% of elected members said they were in favour of the process although 35% reported that they were indifferent. From interviews it appeared this indifference stemmed from their view that the majority group controlled Scrutiny. Therefore they had become disillusioned with the ability of the Scrutiny process to succeed.

However, the contentious issue was clearly the changes made by the Liberal Democrats since 2003 to acquire control of the process. Under the Labour group prior to 2003, opposition Councillors had chaired Scrutiny when the Liberal Democrats won power, this changed. They believed strongly this was the Liberal Democrats using the process in a way that benefited their group, but not the Authority. As one Labour member outlined;

"The Scrutiny process is dominated wrongly by the ruling group. ... Most Scrutiny Chairs are members of the ruling group as is Chair of Scrutiny management."

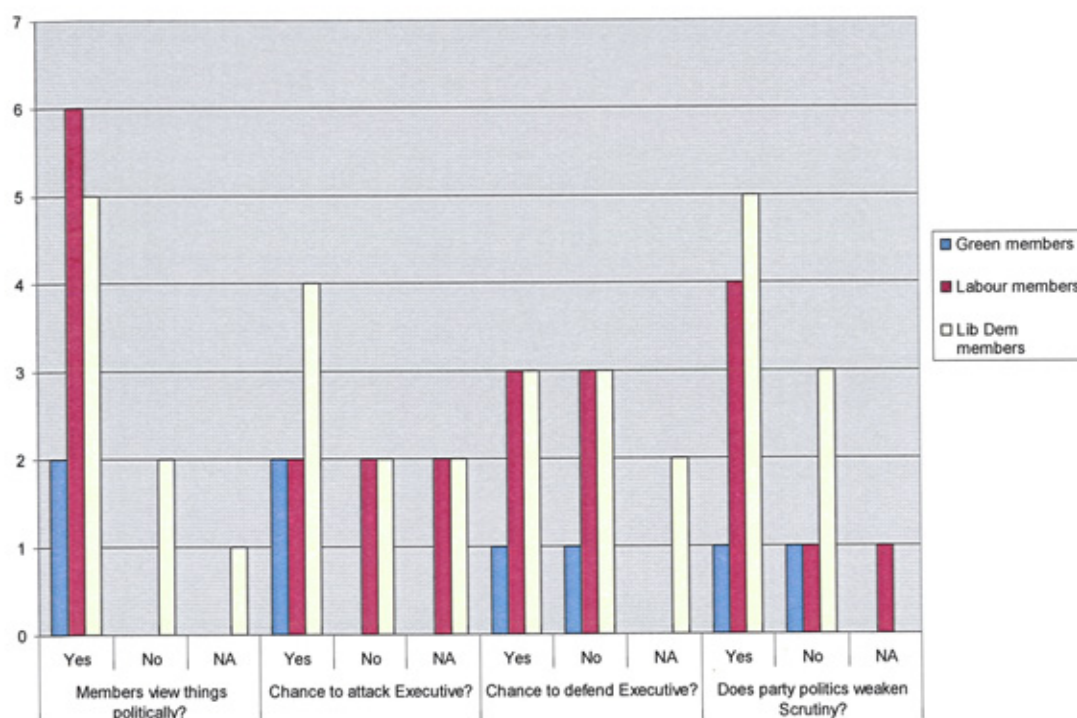
They felt this went so far as to control Scrutiny in order to limit challenge, but to pursue topics specifically of interest to Liberal Democrat elected members. This freedom did not stretch to anything the leadership did not wish to be considered said this member;

"They want to control it. They're very worried in general about themselves and I think that Scrutiny would just be another thing they don't want to be criticised at. They've suffered a lot of flak since taking control of the Council. It is a real concern for them, they've been on the back foot virtually ever since. The local press which, I'm not sure you'll have seen is full of criticism of them, so it's logical almost that they want to minimize the ability of the opposition to challenge them."

Just as the Liberal Democrats claimed, Labour Councillors admitted to using Scrutiny in a political way. However, they claimed this was due to unhappiness with the process because they had no other alternative. Scrutiny was seen as being overtly 'political' within the Authority through the level of members believing things are seen politically and that party politics weakens the process. That members felt the Executive was being attacked by some groups and defended by others highlights the conflictual nature of the Scrutiny process.

Liberal Democrats believed their defensiveness was in reaction to being attacked unjustly by Labour elected members. In contrast, Labour believed they acted defensively, preventing a fair scrutinising of policy and practice, which would embarrass the administration. Similarly the Liberal Democrat elected members were of the view that Labour Councillors attacked the Executive unfairly, thus justifying the tactics they employed to protect the process. In contrast Labour elected members believed that this was the only available course due to the unfair tactics employed by the majority (Figure 16). This was a necessary step to allow them a greater control of the process.

Figure 16. Do members see Scrutiny as an opportunity to..? The Response of All Members in Authority C.



Labour Councillors believed the problem lay with the Executive not wishing the Scrutiny process to have any form of independence. They believed this stemmed from uncertainty over their own policies and direction as well as a lack of understanding of how Scrutiny should operate. As one Labour member said;

"Well, here, it's very hard indeed. To all intents and purposes the Leader is a bully. His own members know that if they make so much as a little squeak then they will get their hand slapped. I think he's very unsure of his ground. ... Add in that they control EMAP and the Scrutiny Boards it makes Scrutiny a farce. I mean some of what we do is of value – such as in sustainability, a subject I felt was important but it isn't enough is it?"

Clearly this view that they are prevented from fully participating weighed heavily on the minds of Labour Councillors.

6.3.3. The Third-Party Members.

The third political group as well as the sole Independent made up only three elected members within the Council. They reflected many of the views already forwarded by elected members of the principal two groups. They supported the idea of Scrutiny believing that it gave elected members the opportunity to contribute, as this Councillor had noted;

“It is an opportunity for minority party to put forward ideas and engage in the policy making process for the Authority without forward motions etc. It gives Executive member opportunity to test out ideas and gather experience from other authorities.”

However, whilst they shared the optimism about the capability of the process they also shared the concern that party politics was weakening its capacity to do this. For one Councillor, what is needed is;

“Political commitment from the ruling group and the main opposition group to work together on key identified issues, rather than looking for opportunities to claim credit or rubbish Council services.”

The number of these Councillors was too small to draw any major conclusions. That they believed the attitudes and actions of both sides was adversely affecting the process reinforced the reality of the situation.

6.3.4. Relations between the Groups.

The only thing each of the groups agreed upon was that Scrutiny was hampered by political attitudes. Each group believed however, that others were to blame for this. This apportioning of the blame had a detrimental impact on Scrutiny since it led to each group having a strong mistrust of others when in Scrutiny. This view came from a Labour Councillor;

“To say its non-political when it blatantly is, is wrong. Most Liberal Democrats wouldn’t use it that way – to make a point

against their own side, but we use it politically. Of course we do. But I think now we tend to use Scrutiny in an exploratory way, so that the party discipline has gone. We still work together but much less politically than before. ... You need an Executive that is willing to listen but we don't have that."

This view demonstrated the problems inherent within the system but also highlighted that some positive co-working did go on. It was not emphasised as greatly as the disagreements, but was apparent from observation and some of the work conducted by the Scrutiny process. This member explained how;

"It can and does happen. ... I worked with some Labour members on one of our big pieces of work and it was fabulous! We worked very closely together and it was a really positive thing. We looked at the issues for the people of Authority C which is what I believe we are here for."

It was noticeable that when elected members gave examples of positive Scrutiny work, the examples cited were often external to the Council or related to smaller, less contentious issues such as sustainability. To their credit Councillors did persevere with Scrutiny despite the obvious difficulties and some good work was produced.

6.4. Structural Issues.

Before considering the role of the Scrutiny process, the structural element had to be considered since this was emphasised frequently by Councillors during the research. It was clear that members believed the *Executive Member Advisory Panel's* (EMAP) deprived them of the potential to undertake any meaningful challenge of Executive decision-making (a role exacerbated by the occupancy of Liberal Democrat members in the role of Chairing Scrutiny).

All groups believed Scrutiny suffered from a lack of status;

- Greens – 100%
- Labour – 100%
- Liberal Democrats – 50%

Opposition groups felt this most acutely since the Scrutiny process offered their strongest opportunity to participate in policy and decision-making.

In particular, since Scrutiny followed on from EMAP meetings Councillors had little doubt that Scrutiny was considered as an afterthought. Meetings had no set start time, merely commencing once EMAP had finished, as this Councillor explained;

“The problem is that the EMAP is the political arena and most members of Scrutiny are also on the EMAP’s and, as I am sure you know, Scrutiny has followed on immediately from EMAP’s and then it makes it hard for several members to go from being in political mode to working in the consensus way that is needed for Scrutiny.”

Furthermore, elected members believed the resources allocated to it demonstrated the status of Scrutiny within the Authority. They noted that the budget for 2005-6 had been halved from the previous year, and this was exacerbated through officer resources being stretched across nine panels.

In addition, with nine panels several Councillors sat on more than one, thus reducing the time and commitment they could give to the process. Furthermore, with most members also working full-time even the most committed of Councillors struggled with time.

However, there was one positive element arising from the under-resourcing. Chairs and Vice-Chairs spoke with great knowledge of the subjects studied and took pride in conducting some of the work and research themselves.

6.4.1. Executive Member Advisory Panel's.

EMAP's were politically balanced and were a source of a great deal of frustration for the vast majority of elected members. For Labour members they served as a body that removed from them the right to scrutinise the Executive, and took this into an environment (with a Liberal Democrat majority) where politics was acceptable. The outcome therefore, was inevitable. For Labour members, it served to highlight how irrelevant Scrutiny was, and consequently it was hard to motivate elected members to the Scrutiny process as this member outlined;

"The EMAP takes things away from Scrutiny such as the calling-in part, simply because the Executive member can say that it's been through their Advisory Panel even though that, due to political balance is weighed in favour of the majority party. And, also the leading group chair these panels. ... If you asked me if there was as much interest in it as there is in EMAP then I would say no simply because in there you are directly involved in the decisions of today. That's not the case in Scrutiny."

Councillors also believed that EMAP's were a remnant from the traditional Committee System and a consequence of previously being a hung Council. For one Councillor, they saw it as;

"... a way of those powerful members to retain some form of control, as best they could. It's a half-way house arrangement between the committee system and the Scrutiny as it should be. As for the rationale? I think it was maybe involve members in decision-making and probably also with us being a hung Council, so there was a mish-mash between the three parties."

The existence of EMAP's was clearly a difficulty for the Scrutiny process since it removed its ability to challenge, and took it from a non-political arena into one which was political. Since scrutinising decisions was the main role elected members presumed they would be performing within the process, it was unsurprising that Scrutiny was seen as problematic.

6.4.2. Policy Development and Review.

Policy development and review was once again the role which Scrutiny had focused most of its energy upon. There had been success in this, with 59% of members recognising that some of their work had become policy.

However, this did not highlight the number of recommendations that had been accepted. Labour Councillors expressed the view that matters were controlled by the Executive who filtered matters based upon what they felt was acceptable;

"We've done some good reports but they either haven't been taken on by the Executive or they've accepted them and nothing has come of the suggestions that we've made to them. For example, in Housing we did a large piece of work around Choice Based Lettings and Council housing etc, which got all-party support in the Scrutiny committee but then when it came to Council the same members of the Liberal Democrats who supported it in Scrutiny voted against it, because they were whipped into doing so. ... Some of the ones we've got at the minute are pet projects of certain members. Ones like archaeology, river banks.... I'm not saying they're unimportant but they're of particular narrow interest."

There were several cases where Scrutiny managed to directly influence Council policy although it was clear these were only accepted when they were deemed acceptable by the leadership. These included;

- Changes to planning guidance in relation to archaeology in the city.
- Improvement to cycle lanes.
- Improvements to riverside policy.
- Education issues.
- Relationships with Parish Councils.
- Work on floods and flooding.
- Changes to the Local Plan.

This raised an interesting issue neatly summarised by one Councillor that goes to the heart of the problem;

“A primary tension for Scrutiny is that opposition groups see it as an opportunity to develop policies whereas ruling groups prefer Scrutiny to restrict its remit to scrutinising existing policy, to see what worked and what hasn't. Clearly a ruling group will prefer to develop its policy initiatives on its own. This is, of course, completely natural and to be expected.”

This was recognised by elected members of all perspectives and led to Scrutiny limiting its work in order to ensure its success, even if this meant it would have less of an impact. One Councillor believed it was;

“... hard since it needs the Executive to agree with it and want the recommendations to go on. But I think the Young People Panel of which I played a role, as much as I could, did quite well and got some of its ideas listened to. But we were careful in our recommendations. We didn't want to overstep ourselves in what we thought would get passed, so we made them according to what we thought we could achieve. You could say that we were fully aware of the political nature of the Council when we were making our recommendations.”

This demonstrated how difficult it was for Scrutiny to establish itself. Whilst it was under the wing of the majority group it was never going to be an independent process. If the process was truly independent then it had the

potential to command the respect and recognition elected members believed it lacked.

6.4.3. Challenging Decisions.

A further approach for Scrutiny to make an impact was through challenging decisions, by call-in. 88% of members felt Scrutiny was not a strong challenge to Executive decision-making. That Liberal Democrats shared this view, but did not feel it was a major issue, again demonstrates the varying levels of importance attached by each of the groups to Scrutiny.

The call-in process had been used although many believed the process was a waste of time due to the unreceptive Executive. According to one Labour member;

“The result is a foregone conclusion because the Liberals have the majority.”

In contrast, Liberal Democrat members believed that call-in had failed because the process had been used spitefully to make a political point. This further justified their protective role.

6.5. Chairing the Scrutiny Process.

Within Authority C, the issue of political allegiance was much more contentious. Gradually since 2003 members of the opposition were removed and replaced by those from the majority group. These events followed on from the constitutional changing of the allegiance of the Chair of the *Scrutiny Management Committee* (SMC) to become a majority group Councillor;

“That was the first thing they did, the first thing at the Council meeting. That set the tone I feel.”

That this happened in the first Council meeting somewhat validates the arguments made by Labour Councillors. An immediate change demonstrates a fear of Scrutiny without even seeing if their fears would be realised and the subsequent changes were mechanisms to strengthen this control. Presumably these further steps came about due to the process not being sufficiently controlled.

6.5.1. Role of the Chairs and Vice-Chairs.

In the work Scrutiny had conducted the role of the Chairs and Vice-Chairs was seen as vital. They were highly concerned about the lack of resources, principally because it put extra strain on them. They found it difficult to manage this work along with their other daily commitments.

In contrast to opposition Councillors, this Liberal Democrat Councillor did not ascribe any real significance to the politics of Chairmanships believing the role to be more concerned with work than political posturing;

“To be honest being the Chair or Vice-Chair probably doesn’t mean an awful lot for you except for taking on a lot of work.”

This is something the Labour group fundamentally disagree with. They believe it is impossible not to think about their position in the party whilst acting as a Chair of Scrutiny. It produced a conflict of interests which they believe, party loyalty wins.

It is apparent that this influence does exist but perhaps it is over-stated. Chairs spoke of how difficult it would be to challenge because they felt inexperienced and lacking in knowledge compared to those within the Cabinet. They

recognised that any form of challenge through Scrutiny could be seen as 'rocking the boat'. Indeed, they believed that the forum for them to challenge any Executive matter would be within the group.

This brought the argument full circle since the only area in which the Labour group could challenge was Scrutiny. But in essence the Liberal Democrats through a process of control on the one hand, and fear on the other, ensured this would not take place. Liberal Democrat members had the arena of the party group within which to challenge, so did not feel aggrieved this did not occur within Scrutiny.

6.6. Cabinet Influence on Scrutiny?

In Authority C, the majority Liberal Democrat group believed the Cabinet were supportive of Scrutiny. The way Scrutiny operated did not pose a challenge to Cabinet and only contributed when it felt the recommendations were acceptable. Therefore since Scrutiny process never undertook anything considered contentious it would be unlikely members within the Liberal Democrats had clashed.

They spoke of occasions where Cabinet members had suggested topics for Scrutiny to consider. This was seen by the opposition as the Cabinet allocating work it wished Scrutiny to do. The Liberal Democrats approve this thus demonstrating to the opposition that the leadership were guiding Scrutiny. However, majority group members argue that these were valid subjects to consider since it gave them an opportunity to contribute. Furthermore, they argue that the alternatives that were offered by the opposition were unsuitable

subjects since they were usually proposed with the objective clearly being to criticise the Executive.

Inevitably the Labour group are going to see suggestion of topics as influencing Scrutiny. From one perspective, it could be suggested that the suggestion of topics does not indicate an overbearing influence since it does provide Scrutiny with the opportunity to make an impact. Yet, factoring in how EMAP deprived the ability to challenge and the gradual acquisition of Chairs by the Liberal Democrats, it can be argued that the majority group is limiting Scrutiny. They do not agree that members of the opposition use the process simply to make political capital, rather they feel they have no alternative as a consequence of frustration at the way the process is conducted.

During the research no direct influence on Scrutiny was observed. However, the impositions placed on Scrutiny clearly have a negative effect. Liberal Democrat members believed Scrutiny retained its independence and ability to shape its own destiny. However, opposition members were firmly of the view that the Executive was manipulating Scrutiny. 80% of those surveyed, felt this was the case, this stood in contrast to the views of all Liberal Democrat members.

They believed strongly that the problem lay with the Executive being fearful of Scrutiny's potential in that they would not understand how challenge should be taken. If Scrutiny was allowed to operate independently, they said that there would be no need for political behaviour. Indeed, if they had an input but acted politically they recognised that this would only serve to undermine and discredit themselves.

6.7. Conclusions.

Very clearly Scrutiny is failing to fulfil its potential within the Authority, and this is almost exclusively because of political squabbling. Perhaps the most depressing thing is that Scrutiny had made some positive impact. It was just unfortunate that elected members allowed political allegiances and arguments to overshadow this. Clearly the leadership of the Liberal Democrats felt the need to protect the process to limit its scope and role. This demonstrated a clear lack of understanding, which led to a great deal of frustration.

Their approach was very negative and shows the damage such an attitude and approach can have. Arguably the political squabbling and dissatisfaction would not have risen to the level it has if they had allowed some opposition control to remain. As Labour Councillors noted, they were outnumbered so any scrutinising had to be justified otherwise it would achieve nothing. In many ways the Liberal Democrats could adopt an approach that gives the opposition the opportunity to lead the process and gave them the opportunity to show their true view. It seemed clear they were not willing to take that risk.

In this way, the majority group are having a very detrimental effect on the outcomes and processes of Scrutiny. There are outcomes from Scrutiny but these only emerge if the majority party agree with them. This was not the intention of the Government when the reforms were introduced. It limited the ability of the process to be independent. The problem of not just this Authority but also no doubt countless others were summed up by a Liberal Democrat Member;

“A primary tension for Scrutiny is that opposition groups see it as an opportunity to develop policies whereas ruling groups prefer Scrutiny to restrict its remit to scrutinising

existing policy, to see what worked and what hasn't. Clearly a ruling group will prefer to develop its policy initiatives on its own. This is, of course, completely natural and to be expected."

If this is the case, then it is important that Executive's do not attempt to steer Scrutiny away from making a contribution as Labour Councillors in Authority C believed was occurring. Open dialogue and some concessions, such as opposition chairing, would allow a mature relationship to develop between Cabinet and Scrutiny. This would allow Scrutiny to find its place to make a difference in the Authority. The issue of challenge would then be able to be discussed since opposition groups would have a greater input. Since elected members would have built a shared knowledge of Scrutiny together, the issue would be less controversial than it otherwise could have been.

However, in Authority C this was not the case. The majority group chose to take Scrutiny away from opposition groups, allowing its own members to run it in a way that allowed no scrutinising of Executive decision-making. By doing this they were clearly hindering the Scrutiny process.

7. Local Authority D.

7.1. Setting the scene.

7.1.1. Demographics and Profile.

Authority D is a Labour controlled District Council located in the north of England. The two main population centres in the Authority are a traditional market town and a new and emerging town. Between them, 80% of the population live in these towns. Further around the borough are numerous small villages that grew alongside the traditional heavy industry that dominated the borough until its decline over the past thirty years (Audit Commission, 2004, p.9).

The population of the borough stands at just over 80,000. This number has been growing steadily since the early 1990's, in particular due to the emergence of the new town. A significant proportion of the population are children and young people (around 20%), while black and minority ethnic groups make up 1.6% of the total population (Audit Commission, 2004, p.9).

The Authority has undergone a period of transformation over recent years. As a borough reliant upon the traditional industries of coal and steel (which at one time accounted for 90% of employment in the area) it bears the hallmarks of economic and structural decline. Twenty-five percent of the population live in wards that are amongst the top 10% most deprived in the country.

Unemployment is above the national average, standing at 3.4%, although this figure is slightly lower than the regional average. As a consequence of its heavy industrial background, the health of the population is generally poor (Audit Commission, 2004, p.9). The Authority is amongst the top one hundred most deprived Districts in the UK. However, many of these patterns have been

reversed in recent years through the hard work of the Authority. This transformation has been recognised with the Audit Commission rating the Authority as 'excellent' in March 2004.

7.1.2. Political Background.

The Authority has traditionally been a Labour fortress, although over recent elections the Liberal Democrats have made strides into the Labour majority. Despite this, Labour remains in a dominant political position.

The research in this Authority took place between January 2005 and June 2005. At this time the composition of the Council was;

Total number of members	50
Labour	34
Liberal Democrat	10
Conservative	3
Independent	3

7.1.3. Political Structures.

Despite being small enough in terms of population to choose the 'fourth option' the Government made available to Authorities, the decision was taken to go with the preferred option of the overwhelming majority of Councils; the Leader and Cabinet model.

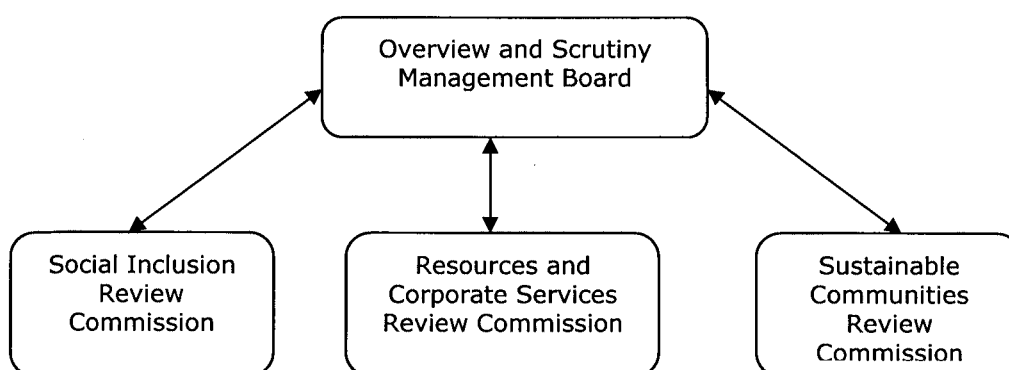
The Cabinet is composed of nine elected members, six of which are from the majority Labour group. The opposition groups are allocated three seats on the Cabinet to perform what is described as a 'challenge' role¹¹. As such they have no portfolio holder responsibilities. The portfolios correspond to the operations undertaken by the Council.

¹¹ This is the term given within the Authority to these three elected members.

Shadowing the Cabinet is a Scrutiny system that is composed of three Review Commissions and one Management Board. These do not shadow the portfolios of the Cabinet members, instead they work on a cross-cutting thematic basis.

Overseeing the process is the *Overview and Scrutiny Management Board* (Figure 17). All reports from the relevant Review Commissions are, on completion, forwarded to the Board for discussion and debate. Thus, the Board acts as a form of quality control on Scrutiny. It also has the ability to commission its own Scrutiny reviews, and acts to resolve any issues over the allocation of topics and the completion of the relevant work programmes. Whilst the Commissions can focus on thematic, service-level investigations, the Board has the potential to take an overview of more corporate, strategic issues. As well as its remit as part of Scrutiny, the Board also has the audit Committee responsibilities for the Authority.

Figure 17. Overview and Scrutiny Structure – Authority D.



Each of the Review Commissions has a brief to carry out investigations in any area so long as they fit under the broad remit assigned to each Commission. This could potentially lead to a conflict in boundaries for each Commission, but

the role of the *Overview and Scrutiny Management Board* includes the resolution of any issues should they arise.

The *Social Inclusion Review Commission* (SIRC) has a remit to adopt a people centred approach in investigating the policies and decisions of the Authority. Within this, there is also clearly the provision to carry out external investigations into organisations in the borough. Adopting a people-centred perspective allows the Commission to fully make use of the power of well-being provided for in Section Two of the Local Government Act 2000. Under its remit, the Commission has conducted several reviews, such as issues relating to young people, community consultation and engagement and the inclusion of disabled groups under the Disability Discrimination Act.

The *Sustainable Communities Review Commission* (SCRC) has a remit, which focuses upon the environmental aspect of the borough and its improvement and prominent role. This permits the Commission to investigate almost any topic since the environmental aspect can be a factor in any decision taken by the Authority. In order to focus the work, the Commission has tended to adopt an approach, which sees it select an issue that would apply across the Authority rather than on specific issues.

The Commission has conducted several in-depth investigations on topics such as the sustainability of the Authority, open plan gardens and dog fouling. A major success of this Commission was that it was on their recommendation that the Authority committed itself to the Nottingham Declaration on Climate Change.

The final Commission within Authority D is the *Resources and Corporate Services Review Commission* (RCSRC). This is a much more internally focused Commission, taking an organisation-centred approach. In particular it is concerned with the use of resources and ensuring that policies and strategies are robust. This Commission has carried out reviews into sickness absence and the Authorities IT strategy.

Within Authority D, the call-in process has never been used. Whilst the use of call-in in the vast majority of Authorities has been more limited than the Government envisaged, most have utilised it at least once. Should elected members ever decide to invoke their right to call-in a decision, the process allows for a call-in to come from either the Chair of the OSMB or from at least five elected members of the Council, who make their claim via the Chair of the OSMB.

All of the Chairs and Vice-Chairs of the process belong to the majority Labour group. They are supported in the process by a team of officers who also are responsible for performance within the Authority. The team is composed of one manager and two full-time posts.

7.2. The Context of the Authority.

Authority D is a traditional 'old' Labour type Authority. The background of the Authority is one of perpetual Labour dominance. They enjoy large majorities and as such the Council is settled politically in terms of leadership and political balance. The Labour group, as is the case in Authority B is used to wielding its considerable power.

Clearly the introduction of Overview and Scrutiny would provide a new form of challenge to this power. Indeed, it could be argued that this is would be the first time they could have faced any form of public challenge to their leadership. Therefore, this made the Authority an ideal Authority to research in terms of determining how the majority group would absorb this potential challenge.

7.3. The Views of the Political Groups.

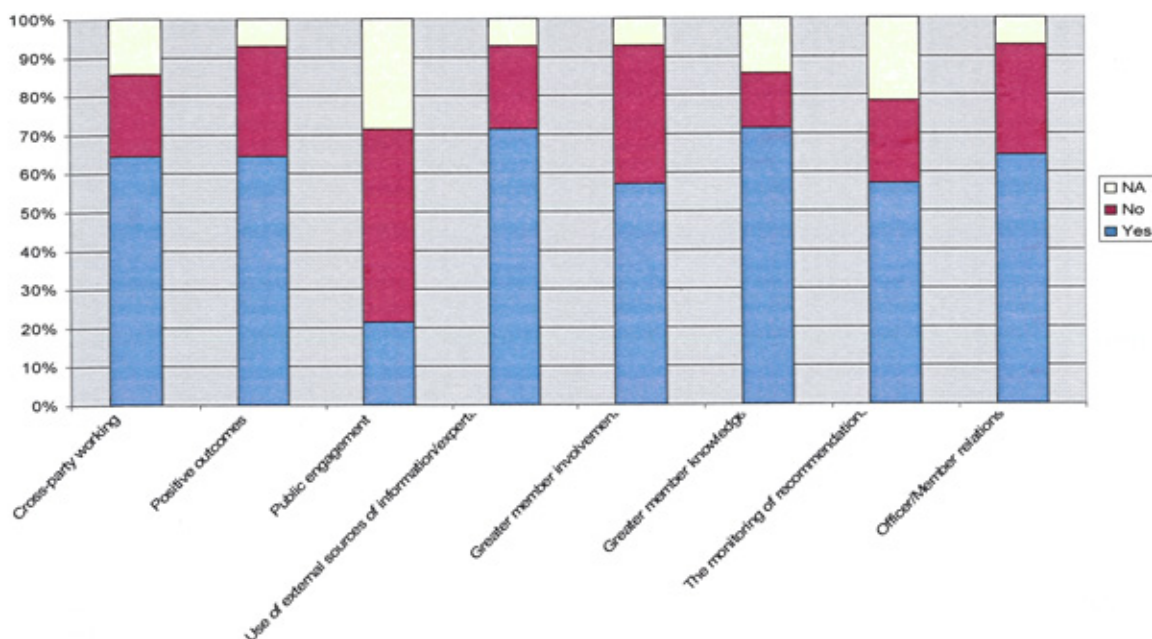
There were two views on the Scrutiny process within Authority D. The prevailing view of the majority group is that Scrutiny was working well with 79% concurring with this view. An alternative view is presented by the opposition groups and in particular the Liberal Democrats, with 80% believing the process is not performing particularly well.

However, from interviews it was clear that some elements of the Labour group believe that Scrutiny is not performing well and in contrast, several opposition Councillors found positives in the Scrutiny process.

7.3.1. The Majority Labour Group.

The majority of Labour elected members were content with Scrutiny. They felt the process had brought many benefits to the Authority (Figure 18) In particular the level of expertise and evidence brought to Scrutiny was beneficial, providing members with greater knowledge. Elected members also felt that relationships in Scrutiny both between groups and with officers were a marked improvement. They felt that public engagement could be better although it did not diminish their overall view of Scrutiny.

Figure 18. Which of the Following Works Well? The Response of Labour Members in Authority D.



However, some elected members still had concerns over the Scrutiny process. Statistically, due to the large number of Labour elected members they looked insignificant but through the other research tools these views were captured. Observation demonstrated that the Labour group had the largest proportion of Councillors detached from the process. These elected members often sat within meetings offering no contribution and never took part in any debates nor attended field trips. In addition to these disengaged Councillors, there were some who offered a critique of the process.

The principal reason for dissatisfaction was that there was no form of scrutinising or challenging of Executive decision-making. When questioned on this matter, several elected members believed the 'blame' for this lay with the Scrutiny process rather than the Executive. Furthermore, as this Councillor explained, many Councillors were not accustomed to a questioning approach such was the tradition of Labour control within the Authority;

"I think we should be looking to advance Scrutiny – here we have very few critical thinkers amongst our group. The vast majority never think outside the box so to speak. The decisions made by our group guide our Scrutiny, and we won't break the decisions."

The majority of elected members felt that their group were supportive of the process.

- 64% of members reported their group encouraged co-operation.
- Just 14% felt they were encouraged to be critical of others.
- 64% reported that they were granted freedom to express their views, with no member saying they were denied this.

21% of elected members believe that when in Scrutiny, their party monitors them and as a consequence of this, 36% felt they had to operate within party politics. This enhanced the view that an uneasy relationship existed between the Scrutiny process and the Cabinet for Labour group members.

However, in the main Councillors were very satisfied with the process. They believed strongly that opposition groups did not use the opportunity to attack the Executive. Again though, some felt elected members were protective of their own side. From observation, it was clear that those elected members who were engaging in this practice were those who lacked a true understanding of how Scrutiny should work.

7.3.2. The Opposition – the Liberal Democrats.

80% percent of Liberal Democrat Councillors believe that Scrutiny was under-performing. Members demonstrated a high level of understanding of the

process as well as a realistic recognition of the political reality within the Council. A fairer indication of the Liberal Democrat view came in the finding that 60% of elected members believed that Scrutiny had not been an improvement. This was not due to a preference of the Committee System but a belief that Scrutiny was not maximising its potential.

Facing such a large Labour majority indicated to elected members that they had to adopt a pragmatic, less confrontational attitude towards Scrutiny in order to have an impact upon policies.

The group's leadership was supportive of the process, and elected members were fully encouraged to be cooperative, with freedom granted to them to express their views. The criticising of others was discouraged. This reflected the realisation that cooperation was not only the best approach to adopt within any Scrutiny process but best suited their own political situation.

The origin of the slight dissatisfaction came from believing the Cabinet does not see Scrutiny as important. 60% believed the Cabinet did not see Scrutiny positively. The same 60% felt the Cabinet saw it as an unnecessary restraint whilst 80% felt they viewed the Scrutiny process as irrelevant. Elected members expressed a fear that the process could be used to protect the Cabinet from being scrutinised;

"With such large numbers of Labour members in Scrutiny, we could have been prevented from challenging decisions through their sheer weight of numbers. I think this has happened."

Elected members did not believe sufficient scrutinising was taking place although this was not principally concerned with call-in. Nor did they believe that the failure to use call-in was a problem. They believed the principal

difficulty was the lack of enthusiasm from the Labour group – both within the Cabinet and within Scrutiny, as this member explained;

“There isn’t enough enthusiasm from the majority group. A lot of their members don’t know enough and don’t take part. A lot of it is down to the fact that they are so ingrained in the old system. They don’t understand it and don’t contribute much.”

In addition to this, they felt that within Scrutiny Labour Councillors were defensive about their own group’s policies. However, an analysis of those topics shows that it was clear the opportunity to defend policy never arose since the process never conducted investigations into politically contentious topics.

7.3.3. The Other Groups – Independents and Conservatives.

Representation from Conservative and Independent elected members was small in the Authority. These groups also encouraged proper participation in the Scrutiny process, demonstrating again that groups were positive about the system introduced. However, where they differed was in the approach they felt Scrutiny ought to adopt. Consequently they felt the process was not fulfilling its potential.

Conservative Councillors were detached from the process and took no active participation whatsoever. Consequently, due to also having token representation on the Cabinet they had no input on any Council business.

Independent Councillors were more active within the system, although each adopted a different approach. One member participated and appeared to develop a good knowledge from this. The other took a more cynical approach. They shared the view that the Labour majority were defensive of the process

through controlling all the Chairs and Vice-Chairs but also felt much of the Authority was too political, as this Councillor explained;

"We need to allow opposition members chairmanships and remove party politics from Council chambers. We should have people before politics."

7.3.4. Relationships Between the Groups.

Elected members of all groups did not think party politics within the Scrutiny process was a particular problem. Only 20% of Liberal Democrat and 22% of Labour members believed it was a weakness. The Independents did believe that it was the case but this formed part of their self-imposed perspective of being 'outsiders', apolitical and 'apart' from party politics.

Indeed, cross-party working was felt by 55% of members to be one of the biggest positives within the system. Elected members felt that within Scrutiny they could talk through the matters being discussed. Whilst it could be said these were not particularly 'political' in nature, this member made it clear that an atmosphere existed that was not conducive to effective Scrutiny;

"I think some of the ruling group say nothing since they don't want to upset the leadership. Therefore, a lot of them say nothing at all. And that suits, they have a dominant position within the Authority this prevails throughout the whole of Scrutiny. And to be honest some members of the opposition view Scrutiny as an opportunity to snipe at others and this really doesn't help the system with those other members who don't understand it thinking this is how to carry on."

From observing the relationships between these groups (including through actively participating in the Scrutiny process), evidently other factors played a role. Off the record, many elected members referred to other Councillors negatively although this never appeared within Scrutiny;

"I will say that the party divide is less apparent at Scrutiny. We don't sit in any format, it's problem-solving and with the occasional sniping that is what I would say we do quite well. Things are less formal and we have a longer timescale to get work done."

Underlying these positive relations appeared to be an acceptance that such positive relations were mutually beneficial. Both principal groups saw advantage for themselves in the system, which they believed the other group did not see.

The Labour group admitted absorbing suggestions from the Liberal Democrats and considering them in the formation of policy but did not believe the opposition were aware of this. Therefore, it benefited Labour to maintain the current system. There was no great challenge and in absorbing ideas from the opposition, they were benefiting even further. One member disclosed this approach;

"They (the opposition) do a good job, although we would never admit it to them! A lot of views and ideas they propose, particularly from the Lib Dems we discuss in group and we do take them on board. Although, we would never dare say this to them!"

The Liberal Democrats also benefited from the situation since they recognised their words were having an effect. Therefore, since they realised they were having an impact with the small representation they have, the Scrutiny process was an excellent opportunity to influence and shape policy. Again, one member disclosed this view of the process;

"For example, our budgetary proposals were rejected but then appeared in their proposed budget two years later. – ITEC (an I.T. learning and skills facility), dog wardens, planning enforcement officers. They listen, but I think they think we don't see that!"

Therefore, positive relations existed since they both believed themselves to be 'getting one over' on the other and therefore maintain this silence in order to keep this advantage. In turn, this benefits the Scrutiny system.

This suggested that the Liberal Democrats had a very realistic view of the system. They acknowledged that as a minority group, they couldn't behave in a disruptive way. Being rational, making evidence-based and reasonable arguments was recognised as a more effective approach.

7.4. The Work of Scrutiny.

7.4.1. Policy Review.

Within Authority D policy review and development was the role, which the process had exclusively employed. The format was set in stone. Each Commission set out the topic for investigation then witnesses and experts were brought in to assist in the formation of recommendations on the issue. This was recognised by elected members and whilst they believed it to be a strong process, they also recognised that this was their sole role. A Labour member summed up the view of the majority;

"I think that our Scrutiny process has been stronger on policy reviews and development than in scrutinising the Executive."

In performing this role, Scrutiny was very effective. The process was very strong at doing this. Many examples were given by members of changes that had emerged as a consequence of the actions of Scrutiny;

- Dog fouling.
- Recycling.
- Postal Balloting.

- Gully Cleaning.
- Grass Cutting.
- Closure of an I.T. learning facility.
- Sickness and Absenteeism.
- Composting.
- Sustainability.
- Nottingham Declaration on Climate Change.

It was in these areas that Scrutiny had made its biggest impact and this was recognised both internally and externally by the Audit Commission as working very well (Audit Commission, 2004, p.15). However, it was clear that a significant issue existed over the Scrutiny processes challenging of Executive decisions.

7.4.2. Call-in.

Not one Executive call-in had taken place and elected members of all political perspectives gave a wide-ranging set of reasons as to why it had not been used. Whilst some members felt they did not need to, such was the Council's success, others felt that there was a lack of understanding amongst members about the application of the process.

A call-in could be triggered by the Chair of the *Overview and Scrutiny Management Board* (OSMB) or at least five elected members of the Council. Unsurprisingly, most opposition Councillors felt this was restrictive whilst most Labour members believed it to be thorough. The view of the Labour members was due to their belief that challenging was not required. However, there was also an element amongst the Labour members that did not wish to challenge

the Executive and its decisions. 50% of Labour members did not answer why Scrutiny had not challenged. This suggests that such little thought had been given to challenging decisions that many were not even aware of the process in order to offer a view on it. 55% of members did not believe the call-in process was thorough, a view that reflects the view of the opposition that the call-in process was restrictive.

All members who felt there was a lack of challenge recognised that call-in was not something to use *“just because it was there.”* Those Chairs leading the process believed that the lack of challenge was a failing of Scrutiny to move into this role. The non-political environment that existed within Scrutiny could have evaporated and it might not have been successful, as this member described;

“We haven’t tackled the challenge element. ... at present we have not had the opportunity to call-in, to challenge any decisions taken and consequently we’ve had a lack of variation in what Scrutiny does. We need to develop a structure that is not malicious but watches what happens – that we haven’t is Scrutiny fault.”

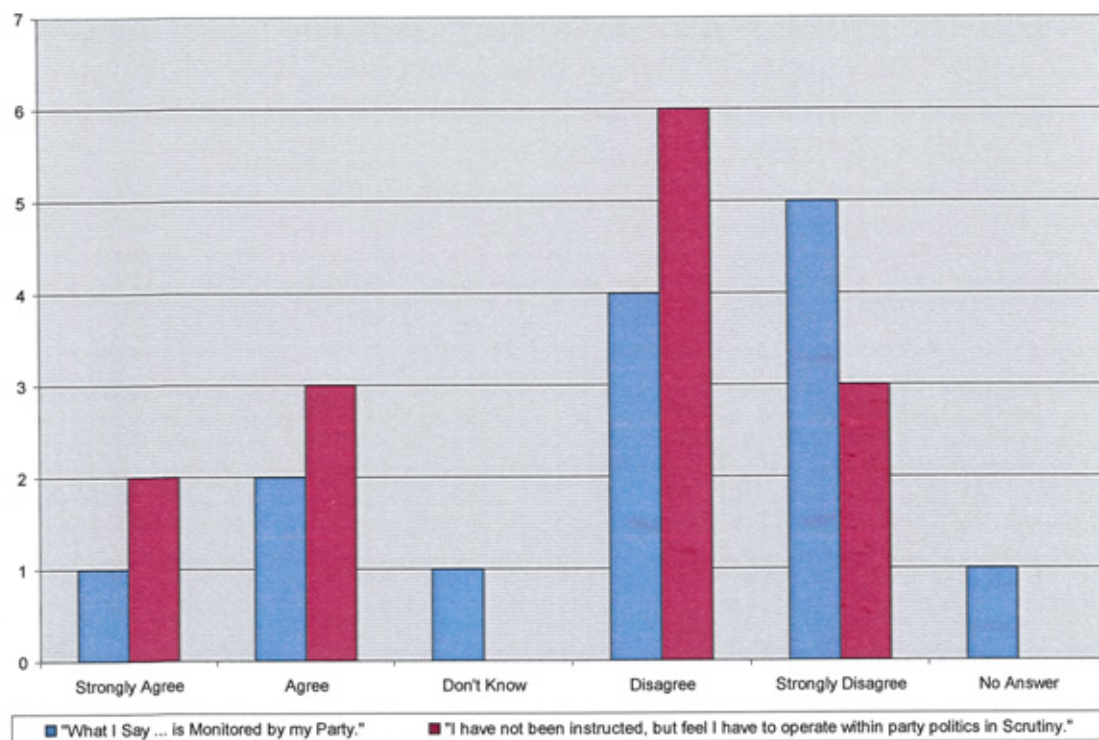
This produced a situation where Cabinet had become accustomed to a Scrutiny process that was not challenging. Should they begin to do so, their previous unwillingness to challenge could be problematic. As one member identified, Cabinet could become anxious as to why this challenge has suddenly happened;

“If we started to look much more at the post-decision Scrutiny element then I think they would get very nervous about it because they aren’t used to it. They don’t really understand Scrutiny since they’ve never had to think about it beyond saying “you go run that...”.”

7.4.3. The Independence of Scrutiny.

The previous quotation from an elected member suggested that Cabinet might not impose as strong a will on Scrutiny as was initially thought. However, a tension clearly existed. As elected members had already suggested, they lacked an understanding of the Scrutiny process and would not be receptive to a challenge to their supremacy. But would such a challenge be likely to come from Labour members? They claimed to have never been told how to vote within Scrutiny, yet Labour members' feelings of being monitored and the need to operate within party politics (Figure 19) were much higher than amongst other groups.

Figure 19. "What I say within Scrutiny is monitored by my party" and "I have not been instructed to, but feel I have to operate within party politics when in Scrutiny." The Response of Labour Members in Authority D.



This excerpt from an interview with a Chair outlined the attitude held by the leaders of the Council.

(Interviewer) Is Scrutiny an Independent process here?
 (Councillor) *"It is independent, although the Leader is afraid of it. He would and usually does say all the right things but I don't think he*

likes the fact that it is independent. He lost it over open plan gardens when the proposals were forwarded."

(Interviewer) Why does he get like this?

(Councillor) *"It challenges his power base, its not that he doesn't like it – if he can't control it then he doesn't like it.
If we went back to the beginning of when Scrutiny was set up I don't think they would have put me in charge. I'm a bit of a maverick, a free thinker and they wouldn't want me if they had hindsight. That probably shows that they thought it would be non-threatening because they could allow me to be in charge of it. If they went back they would probably put their own people in charge."*

This demonstrated clearly that the Cabinet lacked a great deal of knowledge about the Scrutiny process, in addition to possessing a mindset firmly plugged into the traditional Committee System. Clearly, from their perspective, whilst those leading the Scrutiny process were members of the right party, they were too independently minded for the leadership to feel relaxed about Scrutiny. This opposition member reflected the general confidence in the Chairs of the process;

"Some of the members do and in some respects we are quite lucky in that one or two of them are in positions of power within Scrutiny, for example, the Chair of OSMB. ... Because of them, I know we're independent."

Whilst those leading the process manage to retain independence from their group, the same member felt that other Councillors are not believed to be as strong and independent;

"I think Labour are whipped. Actually they're probably not whipped in the sense that they are at Council. They know the rules of what's available to them. They're afraid to challenge and afraid to really scrutinise because they don't want to seem disloyal to their party. They don't want opposition and I don't think they would understand that it is just Scrutiny and it is in the mode of a 'critical friend'."

This demonstrated the problematic relationship between those leading Authority D and the Scrutiny process.

7.5. *The Role of the Chairs.*

The role of Chairs is arguably more important in smaller Authorities such as Authority D (and Authority A) since District Councils perhaps have the hardest task in finding a positive role for Scrutiny. With Local Government restricted by the control of Central Government in the eyes of many elected members, it is often difficult to find a major role for Scrutiny to perform. Therefore, it is as essential as ever for these individuals to lead the process forward.

7.5.1. Political Affiliation.

All Chairs and Vice-Chairs of each Commission, as well as the *Overview and Scrutiny Management Board* (OSMB), were Labour majority group members. Opposition Liberal Democrat members believed they ought to be permitted to Chair Scrutiny Commissions. As this member explained;

"I also think that we are failing when it comes to a proper role for opposition groups – we should have the more responsible ones involved in chairing or at the very least being vice-chair. The Labour group or at least those at the top are afraid of allowing the power going to anyone not on "their side". They don't understand what Scrutiny is here for."

Despite this, the matter was not felt by many to be sufficient to disrupt Scrutiny. Part of this came from a realisation that the political balance of the Authority made it difficult to justify allowing opposition members to lead Scrutiny. In addition, they also believed that the current Chairs were good for the process and were not *"stooges of the Leader."* When asked about the issue of Labour members holding all positions of responsibility within Scrutiny, one opposition member replied that;

"I don't worry too much about that. If politically, we were more mixed then it would be very unfair to do that. If you had a majority of one then you shouldn't take all the positions. But here they have such a large majority, why should they?"

Anyway, even if a member of the opposition was a chair or vice-chair then we would still be outvoted and still constrained by Labour because they would hold the majority on the Commission. In that way, here we are always going to go the way they want us to."

This faith, especially in the Chair of the OSMB as being "*honest*" allowed all Councillors to firmly believe that Scrutiny "*has no hidden agenda and holds nothing back.*" They felt that if these members had not been chairs then Scrutiny could have suffered as a consequence.

The approach and understanding of the Chairs was demonstrated to the researcher through observation and interviews. Sympathy was shown for the argument of opposition chairing although it was recognised that it was unlikely to occur. As one Labour Councillor informed the research;

"The group were against giving them any chairs, even vice-chairs. They wanted to control the process and also they are useful in terms of status and allowances for being Chairs. It was definitely having them to use, they want to rule it as much as possible. We struggled to get vice-chairs because members aren't really that bothered. They won't be offered to opposition groups now."

Clearly, the suspicions harboured by many opposition members about the restrictive approach of the Labour leadership were a reality. They believed mechanisms such as chairing were used to restrict any form of challenge and should any be forthcoming then Chairs would be "*squeezed within the group*" with the result of Scrutiny "*changing its self-determined course.*"

As leaders of the process, Chairs and Vice-Chairs showed much higher levels of satisfaction as well as greater faith in its future improvement. This came as a consequence of taking on the highest levels of workload amongst members. However, it was clear that within the type of work conducted there was no

element of challenge taking place, which clearly frustrated a significant number of elected members.

7.5.2. Relationship with Cabinet.

Despite the internal Labour tensions over the process, it was evident that Scrutiny retained as much independence as could be expected. The leadership may have felt uneasy, but the process was still able to investigate any area it chose.

The lack of challenge led to a feeling that there was not a formal relationship between the two. This led to a difference of views about this relationship. Labour Councillors in the main remained uncritical, whilst those in the opposition believed the relationship to be poor, highlighted by this comment from a Liberal Democrat member;

"I get the impression that we are tolerated, and very often used to confirm Cabinet's good opinion of itself, or to sort out a mess that they don't want to – for example, over open plan front gardens."

Cabinet was composed of six Labour Councillors and three 'challenge' Councillors, two Liberal Democrats and one Conservative. Cabinet believed that this was the avenue for challenge to take. It is demonstrated clearly through the title of '*Challenge Members*' ascribed to them. With Labour holding a majority it is questionable how much truly effective challenging could take place. Many observers felt the opposition groups had reduced the ability to act as an effective opposition by taking these posts;

"The role they have is difficult. I would rather that the Cabinet were all of one party. They are quite toothless in their role since they have no position of power, are in the minority so cannot really make any difference. They aren't allowed to hold

a portfolio since we've just made the Cabinet larger to keep the same number of portfolio holders. They will always be outvoted."

The limitations of this challenge were not a matter of concern for the Cabinet. It allowed them to claim that challenge was taking place. Their view that this was the legitimate avenue explains why a Scrutiny process seeking to challenge was seen as an uneasy proposition. However, since Scrutiny allowed elected members to do so members within the process felt it was their right.

The conflict that arose over the issue of open plan gardens demonstrated to all that Scrutiny would retain its independence until it went into areas and made recommendations deemed unacceptable. A cross-party commission had decided on a set of recommendations to solve a situation the Authority had faced for over twenty years. The report was discussed within Labour group and the leadership were furious that any of its members could consider going against their wishes. They clearly did not believe in the Scrutiny process' independence when it clashed with their own view. The conflict had wide repercussions over the future of the Scrutiny process. As one Labour member remarked;

"He was furious. He was quoting party rules at us over it."

In the end, Labour Councillors who accepted and even forwarded recommendations were whipped within Council into rejecting these recommendations. This deflated others who had participated in the process;

"We've seen how Scrutiny can get political with the open plan report. The recommendations were agreed upon on a cross-party basis and were built on evidence. When it got to Full Council, the members who had initially agreed upon the recommendations were whipped into voting two of them down."

The irony is that Cabinet initially asked Scrutiny to consider the issue. Clearly they wanted a certain result from the process but upon failing to get it, used its power to ensure it got the desired outcomes. It demonstrated perfectly how Scrutiny worked within the Authority succinctly. Indeed it was very professional at carrying out its work but it was only successful if its recommendations aligned itself with the wishes of the Cabinet.

It could be argued that it is a measure of Scrutiny's success how angry the leadership was as a result of its work. However, ultimately the party won the battle. Despite leaders of the process who fought for Scrutiny's independence the majority party clearly had a negative impact on the process, since it filtered any outcomes. This was contrary to the aims of the Government's modernisation agenda and their wish for Scrutiny to be an independent process.

7.6. Conclusions.

Within Authority D, Scrutiny was moderately successful. Within Commissions positive relations existed between elected members and with those who came to participate. Scrutiny was believed to be an ever-evolving process that would improve with time.

Members also recognised the fragility of the process, even in an Authority with a relatively stable process in comparison to other Councils. As this member explained, small matters could frustratingly hold up the system;

"Its doing OK but at the minute it's stalling a little. This is because of upheaval through people involved in the process leaving, or having other things to manage. This system is very

closely linked to the people involved in it and this makes it more fragile than the committee system."

Despite its successes, the presence of the Labour group hung over the process. Whilst, on the one hand their initial appointment of knowledgeable and relatively independent personnel to lead Scrutiny enabled progress, they also had a very negative impact. The Cabinet acted as gatekeepers and only accepted recommendations that concurred with party policy rather than taking on board evidence-based argument, which Scrutiny excelled at producing.

Opposition Councillors could potentially make this a difficult issue, but they had a strong understanding of the context of the situation. They understood they had a small level of representation in the Authority so had to approach Scrutiny in a co-operative manner. Realising they had an impact on policy they used Scrutiny to forward suggestions. If matters were rejected, it frustrated them but it did not deter them from participating in a process that had the potential to flourish if strong leadership was allowed.

8. Local Authority E.

8.1. Setting the scene.

8.1.1. Demographics and Profile.

Authority E is a Unitary Authority located within the North of England. It is currently under No Overall Control. The area is one of contrasts – made up of a combination of busy towns, several large residential areas and small rural villages. It has a population of over 178,000 people, a significant proportion of which reside in the four main population centres. The major residential estates are predicted to continue to expand over the next decade, leading to an increase in the overall population of the area (Audit Commission, 2003, p.6).

Historically, the area is associated with the old steel and chemical industries. As with traditional heavy industry across the country, this has been in decline and consequently much of the population are left in a position requiring re-skilling. At present, the majority of employment is found in the service and public sector. Unemployment is higher than the regional and national averages; at 3.7% In particular the Authority has difficulty with long-term unemployment in several wards (Audit Commission, 2003, p.6).

The divergence apparent in the borough is demonstrated by the presence of some serious incidences of multiple deprivations within wards, alongside other areas, which are very affluent. 45% of the total population live within the 20% most deprived wards nationally (this covers fourteen wards). Of this number, eleven wards are in the 10% most deprived wards nationally. Standing in contrast are four wards, composing 18% of the total population, who are amongst the 20% most affluent in the country (Audit Commission, 2003, p.6).

A significant number (for the North of England) of the population – 3.8% is made up of black and minority ethnic groups. This population is concentrated mainly within two wards in the borough (Audit Commission, 2003, p.6).

8.1.2. Political Background.

The Authority only became a Unitary Council after the Local Government re-organisation in the mid-1990's¹². Historically, there was a strong Labour control in the Authority, but at the elections held in May 2003 its majority was reduced to only one;

Total number of members	55
Labour	28
Conservative	13
Liberal Democrat	6
Independent Group A	8

Further elections in May 2005 saw the Council fall under No Overall Control as Labour lost the ability to command an overall majority. Attempts were made to determine whether it was possible for a coalition to be formed, but negotiations proved fruitless. At that point, the decision was taken that the Labour group would form a minority administration.

Total number of members	55
Labour	27
Conservative	12
Liberal Democrat	8
Independent Group A	3
Independent Group B	6

Consequently, the Authority was undergoing major changes to its decision-making structures as a result of this electoral shift at the time of the research. The research took place between September 2005 and January 2006. It was

¹² The Authority came into existence in 1996.

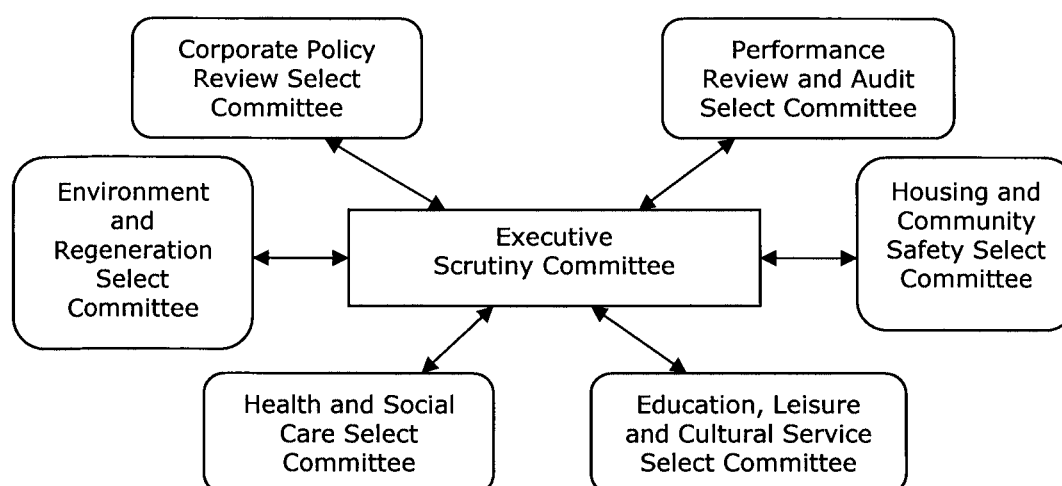
hoped that this would enable a contrast with the Authorities operating Scrutiny under a single majority group.

8.1.3. Political Structures.

Again, reflecting the choice made by the vast majority of Local Authorities, Authority E chose to install a Leader with Cabinet model for its Executive structure. Despite being a No Overall Control Authority the Cabinet is composed exclusively of Labour elected members. They operate under a Leader and a series of Cabinet members who are responsible for portfolios of Council services.

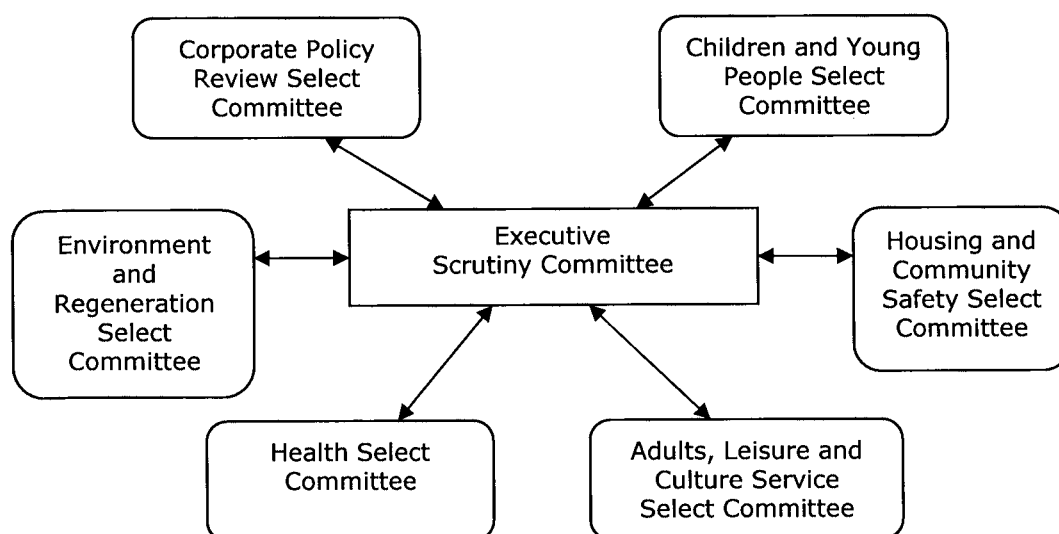
At present the Council is operating under the Scrutiny structure that existed and operated when there was a political majority. At the time the research was conducted this structure was still in place, although thoughts were beginning to shift towards a new way of working for Scrutiny. At the time, there were six Scrutiny Committees working under an *Executive Scrutiny Committee* (ESC), which managed the entire process and represented Scrutiny to the whole Council (Figure 20). The *Executive Scrutiny Committee* is made up of the Chairs of the Scrutiny process and is led by the Leader of the main opposition group.

Figure 20. Overview and Scrutiny structure – Authority E.



The proposed changes are a reflection primarily of the change in focus for the Authority and the emergence of the children's agenda. Its importance is reflected through the likely establishment of its own Scrutiny Select Committee (Figure 21).

Figure 21. Proposed Overview and Scrutiny Structure – Authority E.



The Corporate Assessment carried out in 2002 identified that Scrutiny was not operating in a way that was contributing to the achievement of the Council's priorities. In essence, the report's view was that Scrutiny was unfocused and lacking in direction.

It also identified that Scrutiny lacked strong enough resources in terms of officer support to the process. At present the process is backed by two full-time officers, and as part of the proposed revision of the Scrutiny process, additional support is planned.

Previously, in the time Authority E was under a single Labour majority group this group took the Chairs. However, since the balance of power slipped out of

their control, opposition elected members now populates all Chairs and most Vice-Chairs.

In response to the Audit Commission's statement that Scrutiny lacked focus and was not effectively contributing to the achievement of to the overall Council priorities, the proposed changes include a stronger and more enhanced role for the *Executive Scrutiny Committee*. It would take on a stronger coordination and hands-on management of the work undertaken by Scrutiny. This is designed to prevent reviews meandering off course and taking a long period of time before formulating recommendations that have no real force to them. This Committee would remain chaired by the de facto leader of the opposition, who would continue to be the leader of the Conservative group.

In carrying out its own research into how to reform and improve Scrutiny, the Authority recognised a point that was identified in this thesis' literature review; that Scrutiny elected members felt isolated from being able to make a difference and have an impact upon policy. As a consequence the decision was taken that a move towards strengthening this aspect would be implemented within Authority E.

The intention is to create a more inclusive approach to policy making, bringing Scrutiny into the fold alongside Chief Officers and the Cabinet. In order to do this the Council has proposed the establishment of a *Scrutiny Liaison Forum*, which would be composed of Cabinet members, the Chairs of Scrutiny and the Corporate Management Team. This will feed in views from individual elected members of Scrutiny to allow them to maintain a stake in the process. The *Executive Scrutiny Committee* would then be able to formulate the work programme for each of the Select Committees for the forthcoming year.

8.2. The Context of the Authority.

The Labour group might have been used to deciding Council policy, and composing the Cabinet might lead them to presume this would continue. However, the changed circumstances meant they were not in as strong a position as they had become accustomed to.

Being able to observe a political system with a shifting power base would provide an excellent opportunity to see the impact a majority group can have. It would also assist in determining whether a greater balance in political numbers produced a more open and transparent Scrutiny process.

8.3. The Views of the Political Groups.

Prior to 2005 when elections were held, a Labour Cabinet ran Authority E with a majority of one. Despite this Scrutiny was also chaired by Labour Councillors. With such a fragile majority, this suggested they had a fear of Scrutiny proving challenging, particularly through being led by opposition groups.

The Scrutiny process was struggling greatly at this time. Contributing factors included a lack of dedicated officer support to assist, a lack of understanding and commitment from many Councillors and difficulty in finding a role within the Authority. Its work lacked structure and organisation with outcomes lacking impetus due to the time taken to conclude the reviews.

Each political group also had their own view on why Scrutiny was operating as it was. The opposition groups believed Scrutiny to be subject to political manipulation from the majority Labour group, which was limiting the effectiveness of the process. However, several further problems were identified

as hindering the effectiveness of Scrutiny. The Liberal Democrat group in particular highlighted these. They included the lack of resources and confusion amongst elected members about the role and purpose of Scrutiny.

Despite this, from the experiences of the other Authorities, many similar hallmarks of majority group control were evident. Elected members from the largest group, whilst not particularly happy with the Scrutiny process, demonstrated higher levels of satisfaction with Scrutiny. Opposition Councillors attached greater importance to Scrutiny through it being their greatest opportunity to contribute, and thus were more critical of the process and its operation.

8.3.1. Views of the Political Groups.

Elected members from all perspectives acknowledged positives from their experience of Scrutiny. Individual factors such as cross-party working, public engagement, the use of external sources of information and expertise as well as relations between officers and elected members were felt to be major improvements on the previous Committee System

All groups were supportive and felt that Scrutiny was a positive process for their elected members to be part of. 69% of all members were in favour, with only 8% believing it to be an obstruction. This was the view of the Liberal Democrat members. 15% of Councillors believed their own group was indifferent to the process. These were solely Labour elected members, again demonstrating the level of priority given to the process by the group in the majority.

8.3.2. Labour Members.

Prior to 2005 Labour Councillors were the most satisfied with the Scrutiny process. Despite seeing a lack of action they remained positive. Since their group held a majority they did not require Scrutiny to influence policy since they had the ability to do this within group. Therefore Scrutiny did not take on the level of importance it did for other groups which made Labour members less likely to feel there were major problems with the process. The main negative feelings they had towards the process related to the amount of time involved and the perception that Scrutiny lacked importance within the Council.

This lack of importance to the group was demonstrated by the frequency of discussions about the Scrutiny process. Elected members reported that it was only considered occasionally within meetings. Whilst, as previously stated this was a problem for many Labour Councillors who used the group to attempt to influence policy, some took it as an indication of the futility of the process.

There was one dissenting voice in relation to the Cabinet's approach, believing they were dismissive and obstructive of the Scrutiny process, using party loyalty through the Chairs as a mechanism to control the process. This perspective from a Labour member corroborated the views forwarded by opposition groups, and in particular the Liberal Democrats;

"They tried to prevent two subjects from being scrutinised (unsuccessfully) but blocked the reports. This was two wasted years. We didn't challenge them since the Chairs found it hard to."

Councillors felt a positive relationship existed with Cabinet. However, 40% did not know if a good relationship existed between Scrutiny and the Executive,

demonstrating the lack of co-ordination between the two. Considering that 83% of Liberal Democrats felt the relationship was poor, it was becoming clear that no real relationship existed between the two branches.

This was confirmed by 61% of all members who believed that Scrutiny failed to provide a sufficient challenge to Cabinet decision-making. Only 31%, (predominantly Labour members) felt that it did. This confirmed that Scrutiny operated very much beneath Cabinet level and was not perceived to have any real influence.

Examples of recommendations being rejected and ignored in addition to a lack of challenge demonstrated clearly that Scrutiny was failing. A lack of understanding and a lack of support contributed to this struggle although some also believed this was due to the attitudes of the Cabinet.

Previous experience of the Scrutiny process adopting a policy development role had possibly influenced the view of the Labour group about the new political arrangements. Since they only held a slight majority, they opted to control the process to ensure this did not occur again, as this excerpt from an interview proved;

(Councillor) *"We did try to move towards the role of policy development that we are looking to do with the new arrangements, a few years back. But it really didn't work too well."*

(Interviewer) Why was that?

(Councillor) *"Well, we had the Policy and Resources Committee, and the idea was to split the Policy from the Resources into two separate committees. A Labour member chaired the Policy committee and pretty quickly this body of cross-party members began putting forward the kind of things that the Labour leaders really did not like nor want. It led to a tremendous amount of in-fighting within the Labour group. It became group versus policy."*

8.3.3. Opposition Members.

Liberal Democrat Councillors believed party politics was an issue for the Scrutiny process. This was indicative of their view that the process was unable to scrutinise effectively. This extended beyond the structure in place, through opposition chairing and their wariness of challenging their own side. It even extended to what they felt to be defensiveness amongst officers.

Opposition Councillors did believe that they were involved in any work that took place. Poor involvement from members coupled with a lack of knowledge was blamed upon Labour retaining a dominant position in Scrutiny and not permitting opposition members the opportunity to truly grasp the process. According to one member, this was due to their fear of Scrutiny proving robust in scrutinising policies and decisions;

“The Labour group still have the attitude that if the ideas don’t come from “us” then we can’t look at it. It can be very frustrating. For the Anti-Social Behaviour review I went away and prepared a little report, nothing big but still I did something but others didn’t. So therefore the work I had done was not used as part of the evidence. I did feel very aggrieved that work I had done was not being used and when we were putting together the report I could see that the report could have been of use to it.”

Opposition members were of the view that the majority group, which stopped it working effectively, did not see Scrutiny positively. The reasoning forwarded for this lack of recognition was that there was no clear focus. Members felt this was an excuse since when work had been completed; recommendations were changed, rejected or accepted only to never be implemented. It appeared to be a vicious cycle whereby Scrutiny lacked focus but when they produced results they amounted to nothing. Then more elected members became disillusioned and disengaged, leading to Scrutiny becoming even more unfocused.

However, it needs to be emphasised that Councillors understood that problems did originate within the Scrutiny process, as this member acknowledged;

"I think we could say that we were ambling along. ... In the past we took on too much and the things just went on and on, for years and never actually produced any work at the back end of this never-ending process. This has changed in the past year as things are beginning to come to an end."

They believed therefore, the process had minimal impact on the Council as a whole and believed that an important first step was for Labour to relinquish some of the control it maintained over the Scrutiny process. However, they also expressed concern over how many officers initially understood Scrutiny. Clearly for the Scrutiny process to function effectively an open culture amongst officers was also required, but members argued that this was not always the case;

"Controversial issues are kept out of Council reports and implications only come out later."

"In theory we could change things but as I was told once by our Chief Officer years ago "Councillor _____" he said "You can change the structures but you cannot change the ethos." Which isn't particularly good is it?!"

Clearly, opposition Councillors were highly frustrated with the Scrutiny process prior to 2005. They wanted the process to work and possessed a good understanding of how they could contribute through it. However, they felt that the majority group limited the processes ability to function effectively.

8.4. The Role of Scrutiny.

8.4.1. Policy Review and Development.

Under the Labour majority Scrutiny had principally undertaken a review of a particular area and then formulating a set of recommendations for

improvement. Elected members noted that a significant proportion of this had concentrated upon organisations outside of the Local Authority. This proved to be successful because it had improved elected members' knowledge. However, this had limited benefits since the Authority could only attempt to influence these bodies. They had no control over their actions.

This gave elected members a sense of frustration. They believed that whilst focusing on issues such as public transport, the Arms Length Management Organisation (ALMO) for Housing and the Local Health Authority were important, they could have been making a bigger impact on local Council services. As one member noted;

"Members need to get more confident in what they are doing. The idea that they had was that we had to challenge and scrutinise large service areas and also some external areas. We didn't appear to identify the small areas that could have the real impact. Small areas like bins, or recycling or even graffiti in one park in a ward. We can do that and really make a difference."

However, opposition members felt the external focus was a consequence of the Labour Cabinet diverting its members' attention away from scrutinising internally. Even when Scrutiny did produce some internally focused pieces of Scrutiny, opposition members felt they were ignored;

"Apart from some tweaking at the edges, no Select Committee has come up with major policy changes. The (Labour-controlled) Cabinet members agreed with Officers before Cabinet what was going to happen. The recommendations went against the wishes of the relevant cabinet members so cabinet didn't accept them."

Several recommendations from Scrutiny had made an impact though, similar to the occasional success that members had made with the call-in procedure. However, members noted that this only occurred when the recommendations aligned themselves with the wishes of the Labour group. Again this highlighted

the difficulties that the Scrutiny process faces. How does it influence policy when those invested with the power have a mandate given to them by the people through elections?

8.4.2. Challenging Decisions.

It was already clear that Scrutiny did not challenge sufficiently for elected members' liking. In itself, the call-in process was not felt to be hindering the process. But there were still some dissatisfaction with how the process was constructed, as this member explained;

- (Councillor) *"The process of call-in when it was first set up let to an almighty row. They set it up that you needed six members when we had five."*
- (Interviewer) That sounds blatant. Was it?
- (Councillor) *"Yes it was. It was awful at the beginning. We had no officer support. They were all supporting Cabinet so if we did decide to call-in it was really hard. It was like they were all lined up side by side on the goal line as we were trying to force the ball in. We had very little assistance on the ones about closing an old person's home and a school but it was horrendous. Things then got altered and we got some support. But it was still difficult because we could only discuss the reasons that we put forward on the call-in form, so we had to carefully construct them. It was a process of utter frustration. We sent it back to Cabinet but they just knocked it out."*

Since the political make-up evolved, this restriction was not seen as a problem and the mechanism was utilised. It had also proved to be successful on occasion. An opposition member recalled one of these;

"We did call-in one thing that was blatant politicising by them. The make-up of an Area Board – they had gone back on an agreement that we had made publicly. Basically, there was a Labour and Conservative deal – we called it in, and within two minutes the Cabinet member had given in. Had there been no system this would not have happened."

From a positive perspective the process *had "enabled a second look at decisions and further debate."* which is a benefit of the call-in system often

overlooked. Many see it solely as a tool to seek to overturn a decision but it also is a mechanism to be used to ensure the right decision is made, for time to be taken and full consideration to be given.

Elected members felt that when call-in failed to change the policy it was a failure of the process and demonstrated the way in which Cabinet viewed Scrutiny. They could only question and produce evidence, even if this was compelling, but Cabinet had no obligation to listen and consider the views of Scrutiny. This member recalled an example of the process;

"The corporate logo was called in as elected members were not fully consulted about its introduction. At the time this made no difference as the ruling Labour group had decided that this was the logo they wanted."

On reflection the use of call-in did appear (despite some difficulties), to have had a positive impact. Members cited one example in particular where before even hearing any evidence at the call-in meeting, Cabinet admitted they had made an error and reversed their decision. The close political balance of the Authority meant there were sufficient opposition Councillors to utilise the tool. A mature approach to call-in existed, and subsequently it was clear the process had not been abused. They understood how call-in was meant to work and now that Cabinet had realised it was there, they were aware of its presence when making decisions.

This was a positive and indicated the potential that Scrutiny within Authority E had. This was the case within all of the case study Authorities; they all clearly had the potential to be hugely successful. However, it was clear that problems frequently existed between those in power and their acceptance, and subsequently the performance of the Scrutiny process.

8.5. *Understanding of Scrutiny.*

Under a Labour group majority, the Scrutiny process was clearly hindered by many factors, many of which were not as a direct consequence of having all majority group Chairs. The Scrutiny process suffered from obstacles such as confusion over the power and role of Scrutiny, a failure to engage the public, a lack of member engagement and an unreceptive Executive.

A high level of confusion over the role and purpose of Scrutiny was also linked to Scrutiny's lack of direction. This made it very difficult to develop understanding when the process itself was struggling. Therefore, since Councillors struggled with the process it was inevitable that the culture of the Committee System would remain since this is what they were accustomed to.

Many elected members also felt that several officers were resistant to the process. This Liberal Democrat member explained how many officers failed to understand its role and how it would operate;

"We've had more resistance than I thought we would get. They're not happy that they are being looked at. In Education the Chief Officer was telling us which areas he wanted us to scrutinise!"

However, opposition members in particular felt that the biggest obstacle was the attitude of the Labour group. This was not so much the difficult attitude of Labour members (indeed, cross-party working was one of the positives raised by members), but that the Cabinet were not seen as being favourable to any form of active and prominent Scrutiny process;

"Apart from some tweaking at the edges, no Select Committee has come up with major policy changes. The (Labour-controlled) Cabinet members agreed with Officers before Cabinet what was going to happen."

The recommendations went against the wishes of the relevant cabinet members so cabinet didn't accept them."
(A Liberal Democrat elected member)

As a result of this double-edged resistance there was a lack of member engagement in the Scrutiny process. Members concurred about this struggle within Scrutiny. However, it was clear opposition groups believed this was because of the way the Labour Cabinet interacted with the process;

"It was also partly down to the working majority that was had. There was no real obligation to listen to what Scrutiny was doing, along with the fact that the Chairs were held by the Labour group, they never really were made to listen to what Scrutiny was saying."

This was demonstrated in the breakdown of the response to whether members believed party politics was an issue within Scrutiny. 46% of members believed that it was an issue for the process in contrast to 31% believing it not to be the case. However, politically this issue split the two principal groups. Labour members did not believe party politics was a difficulty suggesting the approach taken by opposition members was fair. Coming from a different perspective, opposition members felt Labour members were defensive when in Scrutiny.

Labour members were afraid of being independent whilst within the Scrutiny process. They were part of a body that would debate and discuss the policy direction of the Authority so therefore the Scrutiny process was clearly not as important to them. However, their unwillingness to lead the Scrutiny process forward and make it a strong part of the Authority hugely frustrated those, for whom, Scrutiny was important and was their only avenue to contribute. In that way, it was clear Scrutiny was being limited through majority group chairing.

8.6. Moving to No Overall Control.

8.6.1. The Changes Post-2005 Election.

The 2005 local elections saw Authority E move to No Overall Control. A second Independent group emerged which forced the Labour group into a minority (whilst remaining the single largest group). This forced other political groups into deciding whether to join a coalition administration or to allow the Authority to be No Overall Control. The Conservatives decided against attempting to form a coalition. Their logic was as follows;

"At the last election, as I'm sure you know, we went to No Overall Control and as a group, we had to take a decision about who to sit with. Some felt that we should combine together and take the Executive power but I felt that the largest group should be the ones to take on policy. Then challenge would be left to the others. This would bring a clear demarcation between Cabinet and Scrutiny."

Consequently opposition groups were able to force the Scrutiny process to be handed to opposition groups to create this demarcation, although they were keen to stress that Labour members would still be a welcome part of Scrutiny. The key factor was that, with strengthened officer support, opposition chairing would remove the Labour filter, which was limiting the Scrutiny process. A Liberal Democrat member explained the difference;

"We've been itching away wanting to do something's but we've never been able to do so. The election of course, changed that. They weren't amenable to it still and we had to really fight for it. I know the leader wasn't happy. They really didn't like it all but they also know that it really should have been done years ago. We are now starting to get reports completed and put together and they will begin to have an impact no doubt. The _____ report has been welcomed by the _____ Board. This time last year we couldn't even get a relationship with them to do the work, but now I've been before them with our recommendations and they've worked alongside us on this."

Despite this positive feeling emerging from opposition chairing, they understood that there were still problems to be faced. The process needed to be evaluated so that it could begin to have the impact that Councillors wished it to. Some elements remained the same, such as the slowness and the lack of outcomes, but the view was that opposition chairing removed many of the barriers standing in Scrutiny's way.

8.6.2. Effecting Change.

It was necessary to involve all political groups in formulating the new structure of Scrutiny. But with the largest group no longer holding a majority opposition groups held enough power to impose their will.

It was clear that Scrutiny needed to change since the experience under a single majority was largely negative. This outcome was associated in many members' minds with being under control of the Labour group. It almost became imperative to 're-launch' Scrutiny to mark this as a break from the past.

Emphasised within the plans for Scrutiny post-2005 was a stronger role for the *Executive Scrutiny Committee* (ESC). This body would play a strong leading role in coordinating the work of Select Committees. It was felt that such a strong level of management would ensure Scrutiny did not become side-tracked. It would allow the process to remain focused and it would be the responsibility of chairs to lead this. This was possible now that opposition Councillors were in these positions and as previously noted, they possessed a much better understanding of how Scrutiny processes are intended to work. A leading opposition member of Scrutiny described how they envisaged the process to work;

"I see Chairs now as having the role of empowering their own members and almost in a project management level. But the problem is that you tend to utilise the older more experienced members of the Council to chair them and they are very often so ingrained in the committee system they are not necessarily the best people to lead. We are getting the newer members involved, the ones with the new skills and the new ideas."

When Scrutiny appointed opposition chairs the potential of the process to improve grew. Free from any party allegiance to the Labour group Scrutiny was able to become independent within the Authority. One member cited this as the single most important factor in Scrutiny improving after May 2005;

"It's down to the political balance. Previously all Cabinet and Chairs of Scrutiny were of the same party – the Labour group, and for some of them it was difficult to hold their own side to account. Since the election we have been able to look at who could do the job of being Chairs without being restricted to members from one group. We can pick those who are keen and able to do the role. It's also good because it allows the public to see and understand that the decision-makers are being held to account. It gives the separation of powers so that it is divisible who is taking decisions and who is holding them to account. It allows the public to see and be able to monitor each side's performance for when they vote."

The Chairs of Scrutiny were important since it was they, who had to lead the process. They understood that it was still going to take some time to change people's attitudes and this included officers resistant to the process. One of the major problems cited by members was that what was eventually produced by Scrutiny tended to disappear and amount to nothing. This frustrated them immensely.

This fresh impetus, as well as an independent leadership meant that opposition members now knew that Cabinet had to respect and be aware of the presence of Scrutiny;

"In the old system they just noted the Scrutiny Committees Recommendations and then did what they want. Now they cannot do this."

Consequently, a beneficial relationship had begun to develop. Cabinet had to recognise the validity of the Scrutiny process and it was believed that on the experience thus far Cabinet members had found the process to be a useful facility for them to engage with;

"I myself have not really worked with my Cabinet member – doing the _____ review has meant that we do not really need to talk to them much. We did a mini-review– more a meeting. We invited the Cabinet member along so he heard what was being said. He was also invited along on the visits. I know the Education committee has a proper relationship with their Portfolio holder. That's important as is the fact that good Cabinet members understand what Scrutiny is here for. Their Cabinet member gets it."

Furthermore, Scrutiny had also recognised that Cabinet needed to be respected within the process, in order for it to work. Cabinet was essential to ensuring successful policy development, and this was reflected in the proposals for the new arrangements.

The proposals sought to *"develop a more inclusive approach to policy development, which develops links between the work of the Scrutiny and select committees and the Cabinet decision-making role."*¹³ This brought officers and the Cabinet together with Scrutiny through the creation of a Scrutiny Liaison Forum alongside the Chairs of the process. This would serve to focus on emerging policy issues and matters allowing Scrutiny to be involved in discussions on the Council's direction. It served to raise the profile of Scrutiny within the Authority, whilst lifting the understanding of the process amongst the two groups whom Scrutiny had the biggest difficulties with – Cabinet and Senior

¹³ Cabinet Paper, December 2005.

Officers. There were signs that this had begun to develop, said one elected member;

"There was much more cooperation from members of Cabinet and from senior officers. I think we had to get them involved so we weren't doing all that work only for them to just reject it out of hand. But with some officers there is still a long way to go before their mindset gets right. They have the mindset of wanting to be completely in control. Scrutiny implies that they are not always going to be in control. They need to understand what we are there to do, what we are all there to do. That is, to improve the services for the people of the borough. We're all going for the same aims as far as I can see. But they are getting better since May."

It was recognised that it would take a great deal of time and effort to win Cabinet and Senior Officers over. But the move to bring Scrutiny more in line with Cabinet and Senior Officers raised the possibility that the Scrutiny process could lose some of its independence. Despite this the new Chairs understood that they had to remain strong and independent, as this Chair outlined;

"I suppose you could say now we're working closer with them that we might take our eyes off really scrutinising them but we won't be told what to do and we're a smart bunch. We're not going to be fobbed off with things unless we think it's good for us to do it. If we think something is more important then we will do it, and this forum will let us explain to them why. I guess so there is no nasty surprises for them later and they can contribute so we make the best conclusions. But they will be ours, we're not obligated towards them in any other way than to talk to them."

This would need to be maintained since now that Scrutiny had obtained its independence, it would be unfortunate to then become too closely aligned with the Cabinet.

It was recognised that the move to a stronger and more focused policy development role would require further officer support. Identified as being central to Scrutiny's own internal difficulties prior to 2005, support had gradually

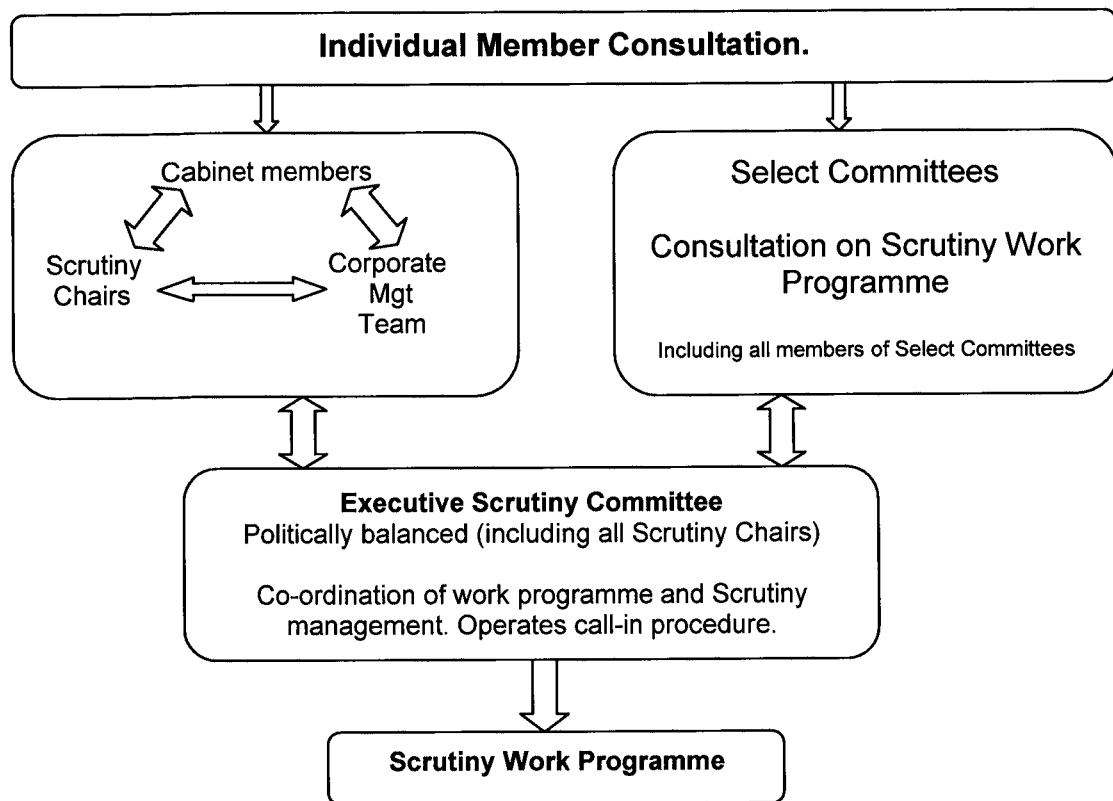
been provided and this increase ran parallel with improvements in the process. Councillors were highly complimentary of the support they received although with the move to a stronger element of policy development, many felt that more support was required;

“The support we get from the officers is first class. They understand exactly what Scrutiny is meant to be about and what their role in the process is. And we’re going to be getting more so we can do more. It’s good news.”

The proposed changes bore the hallmarks of an independent Scrutiny process stating how it wished to influence the Council and having its views considered on a par with Cabinet by Senior Officers. Much had been learnt from other Authorities and subsequently it was recognised how the greatest input for Scrutiny was made via policy development. As a result of this, a process was devised for Scrutiny to address its difficulties, and play a more prominent role in the Council. (Figure 22)

Elected members spoke with passion about wanting to do things to improve the community and saw the Scrutiny process as an opportunity to do so. They had considerable hope that with these new changes, Scrutiny would continue to evolve further.

Figure 22. Proposed Scrutiny Organisation – Authority E.



8.7. Conclusions.

Clearly prior to 2005 the majority group was limiting Scrutiny. The lack of consideration they gave to the process combined with their methods of hindering its development left the process impotent.

It had members from their own group as Chairs and they lacked the confidence to lead in scrutinising their own Cabinet's decisions. They led a focus that was external as well as presiding over a process with a multitude of difficulties. Since they did not attach great importance to Scrutiny themselves, they lacked the political commitment to significantly improve the process.

The change that led to opposition chairs being introduced after the elections of 2005 had a profound impact. They brought fresh ideas, ambition and a clear

comprehension of Scrutiny practice. They were committed to making Scrutiny an independent, successful branch of the Authority.

The proposals for the new Scrutiny structures were well thought through and should rectify several of the problems with the system. In these proposals the focus on policy development shines through and should allow members to make an impact. The involvement alongside Chief Officers and Cabinet will serve to break down barriers that existed between the two. A more positive relationship was already beginning to develop.

The stronger role for the *Executive Scrutiny Committee* (ESC) would ensure the process kept its focus and would be governed by the principles of good Scrutiny. The process would not be used in a political manner and would only be there for Scrutiny to succeed and to improve the Authority.

The shift from a majority system to one of No Overall Control was certainly beneficial and acutely demonstrated the problems a majority group can cause the Scrutiny process. Being afraid of challenge and not willing to listen to another branch, they can limit the system doing anything. This stifles the process and leads to great dissatisfaction amongst members.

When the process moved towards having no single group with a majority, it became much more open. Everyone's view was listened to and considered. It allowed the process to be developed without political loyalty playing a factor, a necessary pre-requisite for any Scrutiny process wishing to be successful.

Figure 23. Summary of Key Points across Case Study Authorities.

	Authority A	Authority B	Authority C	Authority D	Authority E
Perspective of Majority/Leading group members	Pleased with Scrutiny, feel it works well.	Pleased, determined for it to succeed.	Pleased despite some negativity from the opposition.	Pleased with Scrutiny, feel it is a strength.	Positive although they saw problems in the process.
Attitude of Opposition members	Too much co-operation exists.	Fairly pragmatic approach to the process.	Unhappy with controlling attitude of majority group.	Slight frustration at their role and lack of scrutinising.	Became positive upon gaining control of the Chairs.
Relationship between the Groups	Good relations exist. Members work well together within meetings.	Relationships are positive.	Relations are quite bitter, although some good working does take place.	The groups work well together within the process.	Relationships are good although both are frustrated with progress.
View of the Cabinet	Happy for Scrutiny to work independently. Keen for all members to work collaboratively – i.e. separate policy groups.	Former role for Council Leader in Scrutiny ensures Scrutiny is seen positively.	Feel that Scrutiny should only contribute in the manner they wish, and control the process to ensure this.	They never interfere within Scrutiny although ultimately, Labour members are expected to tow the line.	Previously fearful though since 2005 they are gaining knowledge of Scrutiny processes.
Relationship with Cabinet	Special Advisors act as liaison between the two though links are weak.	Good links. The two work towards achieving the Council's priorities.	Non-existent. EMAP's and majority Chairs deny Scrutiny the ability to challenge.	Positive relationship providing Scrutiny outcomes are agreed with.	Pre-2005 weak links existed. Post-2005 positive relationships are developing.
Policy Role	Have made some successful changes.	Very strong in this area.	Some successes though they have been marginal.	Some notable achievements	Previously was unfocused, however it is now improving.
Challenging Decisions	Scrutinising does take place and call-in has been effectively used.	Decisions and policies are scrutinised although members do not feel they need to challenge much.	The EMAP's deny Scrutiny this ability since they are seen as the place for such debate.	Scrutiny at its own admission has neglected this role. It is questionable how this challenge would be received.	Call-in's had previously been made and had proved successful. This role now continues to be one the function is prepared to use.

9. Key Findings.

This chapter shall draw together the collective experiences across the five Local Authorities and uses the evidence gathered and presented in Chapters 5-9 in order to seek to draw out the cross-authority implications in light of the research questions posed at the beginning of the thesis.

These research questions were;

- To evaluate the impact of majority party groups on Scrutiny and identify methods through which they interact with the process.
- To determine whether, in the view of elected members the role of Councillor has benefited from the creation of Scrutiny.
- To determine the impact of the culture of the Local Authority on Scrutiny.
- To identify the key factors for 'successful' and 'weak' Scrutiny.

The key findings addressed in this chapter can be found at points 9.1, 9.9, 9.5 and 9.7-9.8.

9.1. Scrutiny and the Majority Political Group.

The previous chapters demonstrated that despite the variety in Local Authorities studied, and the different progress each has made with their Scrutiny process, certain elements exist within each Council. In particular, if the majority group is wary or unhappy with the existence of an independent branch, as Scrutiny is meant to be, then they will take steps to limit its potential.

It is clear that each majority group observed in Authorities A-D (leading group in Authority E) had a different approach and subsequently a different impact on the Scrutiny process. They differed because of the wide variety in opinions elected members held, and in particular because of the different circumstances and culture within each Council.

The tendency is for groups to be anxious about the presence of Scrutiny. Unless exceptional circumstances exist – the long-standing tradition of collaboration in Authority A or the all-powerful position of the Labour group in Authority B, the majority group attempt to keep control of Scrutiny. Most have an anxious attitude to the process unless they are supremely confident in their direction, such as in Authority B.

However, other groups felt it necessary to seize control of the process and limit its potential and its outcomes. The majority groups within Authorities C, D and E (prior to 2005) felt the need to install their own members as Chairs within Scrutiny and through them seek to channel the process down avenues they were comfortable with. This leads to a wide variance in the view of elected members across the different groups in each Authority.

Majority group members tended to be happier with the Scrutiny process since they do not attach as much importance to it as other groups. These members were able to influence Council policies and feel a part of decision-making through discussions within their party group. These members were not entirely positive about the Scrutiny process since they did feel that often it was a waste of time and gave them a somewhat peripheral role in the Council.

Opposition groups in these Authorities (Authorities C, D and E (prior to 2005)) were generally unhappy with the Scrutiny process and the methods employed by the Cabinet to limit the impact of Scrutiny. The research found that the principal route for this to take was the appointment of majority group Chairs who were appointed to 'manage' the process in a manner they found satisfactory.

If Executives were not willing to grant Scrutiny independence and accept its legitimacy to act as a check on their decision-making power, then Scrutiny would struggle. This was seen in Authorities C and D, whose majority groups adopted different approaches to Scrutiny but had the same outcome of negatively limiting the process.

Within Authority C the majority group severely hindered any impact Scrutiny could make. The potential clearly existed for the process to make strong contributions and whilst it did on occasion, the actions of the leading group prevented it from doing so in a more thorough and consistent manner. Fearful of being politically attacked and from being challenged in a robust and fair way, they prevented the process fulfilling any meaningful role¹⁴.

Scrutiny's ability to challenge had been eroded through the continuation of *Executive Member Advisory Panel's* (EMAP), which might have proved successful under No Overall Control (as the Authority previously was) where consensus was required. Yet in a system where one party had a large majority they merely served as a way of rubber-stamping decisions, then blocking

¹⁴ pp192-193.

Scrutiny's attempt to scrutinise through the argument that *"it has been through EMAP"*¹⁵.

The Scrutiny process was operated by the majority, through its own members who were not particularly inclined to seek to challenge. Indeed, they noted they had EMAP as well as the group within which to do this. This deprived Scrutiny of this ability, hugely frustrating the opposition.

Their desire to 'control' Scrutiny became evident when they immediately removed the Chair of the *Scrutiny Management Committee*, (SMC) who had previously been an opposition Councillor and allocating this to one of the Liberal Democrat majority. Since then further Liberal Democrat members have taken Chairmanships from opposition members¹⁶.

In terms of policy development, topics were decided by vote, which again led the Liberal Democrats to have their *"pet subjects"* selected. This prevented the focus being on areas that either they wished to concentrate on themselves or that could prove awkward and embarrassing to them. *Clearly they had a very detrimental impact on the role and the success of the Scrutiny process.*

Despite greater freedom being granted to Scrutiny than in Authority C, Authority D's majority group had an uneasy relationship with Scrutiny. The willingness of the Cabinet to leave the process to act alone was beneficial since it allowed the establishment of a system that had many positive outcomes. However, it was clear the Cabinet only felt they did not need to interfere because they had Labour Chairs in place that they believed would accede to their wishes.

¹⁵ pp.185-186.

¹⁶ p.188.

However, these Chairs attempted to lead the process independently and consequently produced reports and recommendations, which, on occasion were deemed unacceptable.

Every report with its recommendations was presented to Council (after having been discussed within the Labour group prior to this meeting as a matter of course). One example, in particular, had major repercussions for Scrutiny in that Labour Councillors were whipped into overturning the recommendations many of them had helped formulate¹⁷. This demonstrated explicitly that Scrutiny was only fully accepted when it did not make recommendations contrary to the Cabinet's wishes. Several recommendations were modified and rejected, either before or through a whipped vote in Council. Other recommendations that were accepted were obviously agreed with since they were left untouched. *In this way, Scrutiny was only ever as successful as the Labour group allowed it to be.*

Even in Authorities where the Executive granted Scrutiny the freedom to operate, they could negatively hinder the process. It was an unintentional consequence of the relationship that existed in Authority A, even when they decided not to chair Scrutiny themselves. To a large extent the Conservative group wished to maintain as much collaboration as possible to provide a meaningful role for all members. With accountability only resting in the leader of the Council, the remaining members of *Corporate Policy Management Board* (CPMB) had no responsibility or accountability in their position. Therefore, the wish to give everyone a role within the Authority saw a whole raft of mechanisms established to do so¹⁸.

¹⁷ pp.214-215, pp.263-264.

¹⁸ pp.144-147.

Special Advisors acted as liaison between CPMB and Scrutiny. However, this link was informal and weak and served to dilute the independence of the process since members believed “*they acted like they’re on the Committee*” in that they dominate the debate within meetings. In addition to this, policy groups established between Scrutiny and CPMB led to Scrutiny having diminished options in regards to its own policy review and development. In an Authority where Councillors say that the Council itself does not have many issues over which it has full control, the creation of these groups meant there were fewer issues for Scrutiny to investigate. This weakened the process and left members feeling that their Scrutiny role was futile. Since the process struggled somewhat to engage Councillors who felt they were merely “*talked at*” during meetings, it was clear this practice was having a negative impact on the process.

Only when an Authority moved to a situation where opposition groups had some control, did the Scrutiny process improve. This was the case within Authority E when it became No Overall Control. Previously in the Council, and also in Authorities C and D, members had found that with a majority in Council, majority groups have no obligation to consider or listen to the Scrutiny process.

In Authority E prior to becoming No Overall Control, the Labour group controlled Scrutiny and it suffered as a consequence. With a relatively balanced political situation (Labour only holding a majority of one) they felt they needed to maintain control. This was to minimise its scrutinising of its business and its potential use as a political vehicle to attack the Cabinet. Consequently Scrutiny was weak and this was predominantly due to the limitations put in place by the majority group¹⁹.

¹⁹ pp.224-226.

The political shift to No Overall Control had a hugely positive effect on Scrutiny.

The leadership of the process became independent from the Labour group and consequently it took on a much wider role. Still faced with internal difficulties such as member dis-engagement, it was clear that successes would take time to materialise. But even within the first six months under non-majority group leadership, Scrutiny arguably achieved more than in the previous two years. Executive members began to listen and consider Scrutiny, principally because they had to, but consequently Executive members were beginning to learn about the process and understand the positive role it could have. It was a beneficial move for the Authority.

Within Authority B the dominant position of the Labour group was a fortunate contributing factor to the level of success within Scrutiny. With such a large proportion of representatives from one group, Councillors, and in particular those from opposition groups had become accustomed to their role within the Authority²⁰.

The politics of Scrutiny, the debates about what was acceptable, and what was not, were kept within the privacy of the Labour group. This was clearly the venue that Labour members felt was the rightful as well as the most comfortable forum within which to challenge and question decisions²¹. Whilst attitudes such as this were not in line with 'modernisation', the political composition of Scrutiny and the subsequent perspectives of all members within it meant this was not a major problem. Opposition Councillors understood and accepted this to be the case; such was their small representation. This was particularly fortunate. In other Authorities, the practice caused much anger

²⁰ pp. 158-160 and p.165.
²¹ p.160 and p.169.

amongst opposition groups, which manifested itself negatively into the Scrutiny process.

The previous role of the Council Leader as a Chair of Overview and Scrutiny enhanced the positive impact of the group on Scrutiny. This aligned itself with the drive and skill of those leading the process and, along with the political situation demonstrated why Scrutiny was successful. An almost overwhelming Labour presence meant these two functions, often with similar perspectives, were driving towards achieving the Council's objectives²². Cabinet members recognised the validity and were welcoming of the work that Scrutiny did and this was reflected in the success of the recommendations it forwarded.

Since both branches were Labour-dominated, a positive relationship existed that may not have if Scrutiny had a greater opposition presence. That Scrutiny could be independent with such a large majority from one group was a credit to those leading both the Cabinet and Scrutiny. *It was clear that the Labour group had a favourable effect on the role and the success of Scrutiny in Authority B.*

The Scrutiny processes in each Authority had made changes and improvements to their Council's policies, which demonstrate the potential of the process. But from these five different examples, *it was evident that the majority group's attitude and actions played the biggest single factor in determining the success of the Scrutiny process.* They can be a contributing factor in either its success or its failure, and in some cases both. Based upon this research, it is believed that most majority groups find it easier to remain within a *comfort zone*. They utilise their majority to limit and channel Scrutiny into what they find

²² p.167

acceptable and prevent it from pursuing more challenging and uncomfortable avenues.

Based on Authorities C, D and E (prior to 2005), when a majority group were faced with an opposition, there was a fear of these groups gaining influence through the Scrutiny process. Therefore, the potential of the system was restricted. For those in leadership positions in these Authorities, Scrutiny is a challenge to the power they were accustomed to wielding under the Committee System. Therefore they use their majority to *manipulate* the system into what they feel *comfortable* with (Ashworth and Hunt, 2003, p.22, Dungey, 2003, p.2, Snape, Leach and Copus, 2002, p.77). The circumstances and background in Authority A led to a more open attitude, despite the end result being similar – a Scrutiny process weaker than it should be.

In Authority B, the lack of opposition members allowed the leadership to grant Scrutiny freedom. They were trusting of their own members, rather than in Authorities B, C and D where a mistrust of the opposition existed.

Majority groups set the parameters and the attitudes within which Scrutiny has to work. As was seen within Authorities C, D and E (pre-2005), without a willingness and acceptance for Scrutiny to operate independently, then it is inevitable that it will not fulfil its potential. This consequently effected the overall attitudes of members of Scrutiny since they came to believe they are being unfairly restricted in their right to carry out the role that the Government intended for them to have.

9.2. Chairmanships and Scrutiny Systems.

The simplest mechanism to employ to control the Scrutiny system has been the *appointment of majority group members as Chairs of Scrutiny* as was the practice in Authorities B, C, D and E (prior to 2005)²³. Such is the loyalty they can command from their members this can be all that is required to limit Scrutiny's ability to provide a robust challenge to Executive decision-making. *Councillors still have great loyalty to their group and are fearful of challenging them, even in public.*

Within Authority B however, this move was arguably easier to understand, such was their dominant position. Whilst all Labour members appeared to prefer the confines of the group to express their honest views, Scrutiny was allowed as much independence as it wished to have. This attitude came from the Leader who had previously been the Chair of Overview and Scrutiny.

From the same position of installing majority group Chairs, the Liberal Democrat group in Authority C steered Scrutiny away from scrutinising Executive decisions. Aided by the *Executive Member Advisory Panels* (EMAP), they managed to avoid Scrutiny considering issues that could have been uncomfortable for them. Policy development shied away from major issues since the Liberal Democrats preferred to debate these within their group, and allow the Cabinet to manage them. This caused members to believe they were only *"playing round the edges"*. The example of archaeology was cited frequently by Labour members as an example of how Scrutiny looked at *"pet projects"* of Liberal Democrat members; issues that were not particularly important.

²³ pp.164-165, p.188, pp.211-213 and p.224.

Within Authority D, the leadership appointed its own Chairs and left the Scrutiny process largely to its own devices. However, the loyalty they expected was not forthcoming from these Chairs, who approached the role independently.

Therefore, when the process produced outcomes they did not find desirable, they used their political power to ensure the outcomes were what they wanted. Again, this was a slightly different method to that employed in Authority C. It was less restrictive in that it appointed members of their own group who clearly felt more empowered to allow Scrutiny to follow its own path. Yet, ultimately the result was the same.

In contrast to these cases were Authorities A and E, where opposition groups chaired Scrutiny and, as a result, the process benefited. Other factors were at play which impacted upon the process, but the presence of opposition chairs was undeniably a major benefit.

By their very nature minority/opposition group Chairs produce a more open process. For the Authority to function the views of more than one group *must* be considered when constructing the Scrutiny process. As seen within Authorities A and E, internal problems that Scrutiny faces will more than likely still exist. But since the process was constructed through the influence of more than one perspective, *it has greater potential to be fair*.

The research clearly observed the improvement in Scrutiny that occurred directly as a consequence of a change in leadership. In Authority E appointing Chairs from parties other than Labour meant Scrutiny lost the perception that it was under Cabinet control. Doing so brought a culture of independence and a necessary separation between the two. It opened up the process to fresh ideas and the potential to explore all available roles. When asked whether the change

in political balance had led to a different attitude, one Liberal Democrat member replied;

"It's not the change in balance that matters. The important factor is that it is chaired by opposition members. As I said, it at least reassures the public that Scrutiny and fair Scrutiny is happening. If it isn't happening then they will have the ability to ask us why. Before, it was harder to get things really looked at. We only did it if the group agreed with it."

Certainly the Authority had previously suffered from many individuals not fully appreciating the role and purpose of Scrutiny. Cabinet members and senior officers were perceived as being intimidated by the thought of Scrutiny and consequently adopted an attitude, which limited its effectiveness.

However, since the 2005 elections Liberal Democrat members had become Chairs and they possessed an excellent knowledge of Scrutiny. They understood how the process was meant to work and had a desire to use it in a manner that would produce benefits for the Authority. They were not seeking to use it to make political points and to embarrass individuals and groups. The process was improving, as this Councillor explained;

"In Authority E I think the Scrutiny is maturing. We're now at the stage where we are producing results, which is something we've never really been at before. We've never been challenged in terms of time, now there will be time-limited tasks, with project plans beforehand. Chairs will have to justify what they do, and the time that each stage will take. ... Its like a partnership between us, and the Cabinet members and also officers."

This was the same situation in Authority A where, even though the Vice-Chairmanships were held by the Conservative group, who were given a “watching brief”²⁴, opposition members took to the Scrutiny role with confidence. They were able to articulate, and most importantly demonstrate, this attitude to those sceptics.

In Authority E when Scrutiny operated under Labour control it was not in their interests for the process to make an impact such was its potential to challenge the Labour Cabinet. However when Chairs were appointed from opposition groups, the opportunity (as well as the political desire) for Scrutiny to have a bigger impact was greater, as this member explained;

“Members realised that nothing was happening. The old committee style which had continued was producing no end result. The Chief Executive and also the CPA identified that something needed to be done. And the changing political influences created a catalyst to do something. The impetus really was from across all parties.”

Problems still existed, but there was a drive to see them resolved, highlighted by the proposal to more closely involve Cabinet and Senior Officers in Scrutiny²⁵. This drive also existed in Authority A, albeit the cultural familiarity of collaboration still hampered the process somewhat. However, it is clear that if the majority group had chaired Scrutiny would not have progressed as much as it had. The process would certainly have been beset with problems stemming from the dissatisfaction of the opposition Labour group²⁶.

²⁴ p.144

²⁵ pp.236-239.

²⁶ pp.135-137.

If majority groups had led the process in Authorities A and E the drive to lead Scrutiny would not (and was not prior to 2005 in Authority E) have been as strong. The majority group members would have the party group as an arena for discussion and debate, and therefore, public Scrutiny (particularly in the presence of opposition groups) would not have had the same importance. As was observed in Authority C they had no real urgency to see the process improve, which opposition groups did since it provided them with a stake in changing policy, questioning performance and improving the Council. Only when circumstances allowed it, such as in Authority B, did majority group Chairs have the freedom to lead Scrutiny forward.

It was apparent that if the Scrutiny system is the construction of a single dominant, often political, perspective then Scrutiny is permanently within a framework that may not produce an environment conducive to Scrutiny. That is not to say Scrutiny works best within No Overall Control Authorities, rather that the most difficult problem Scrutiny can face – a difficult and restrictive majority group, does not exist. It is clear that other groups' wishes must be considered when establishing the structures and deciding how Scrutiny should operate.

Furthermore, *if a Scrutiny system is operating alongside a coalition or single-party minority Executive then there is the constant political necessity for those in this position to consider Scrutiny.* Holding a fragile political position necessitates co-operation since Scrutiny can make life difficult for the weak Executive. Such a situation ensures Scrutiny is respected and this minority or coalition Executive gives consideration to its views. This was demonstrated in Authority E where despite previously holding a majority of one, the Labour group still controlled the process.

Under a single majority group there is no requirement for them to consider and accept Scrutiny any more than they feel they wish to, or indeed want to. This means Scrutiny is operating from a significantly weaker starting position under a single majority group. This was the case in all four of the case study Authorities with a single majority group. The process clearly worked within the framework set by this majority and consequently was only as strong and successful as they permitted and it to be. Challenge can, in some cases be permissible such as in Authorities A and B but within a majority group system the robustness of a challenge is significantly weaker. Executives have no obligation to listen to any challenge from the Scrutiny process since they have the ability through their political majority to impose their will in every aspect of Council business.

Put simply, Scrutiny has the ability to threaten the power wielded by local Executives. Indeed, this was the stated purpose behind their creation; to counter the emergence of concentrated decision-making. In that way *those holding power within Local Authorities are very aware of the potential of Scrutiny*. However as was noted in the literature review, the Government never offered any advice on how to ensure that the new arrangements changed the secretive decision-making culture within Local Authorities (Copus, 2000, p.77, Johnson and Hatter, 2004, p.5). *They assumed that reforming structures would be sufficient.*

9.3. Scrutiny and Traditional Group Practices and Behaviour.

Consequently, as was seen in all five Local Authorities *many decisions continued to be debated within party groups* (Snape, Leach and Copus, 2002,

p.87). The element of scrutinising decisions certainly appeared to be lacking within each of the majority systems with the enclave of the majority group preferred as the venue for debate, and challenge any disagreement to take place. Yet this was only for majority group members to do so. This explains why there was *great difference in views about Scrutiny between majority group members and opposition members*²⁷.

Opposition groups have no other means to challenge and question except within Scrutiny. That this took place out of their reach left opposition members immensely frustrated. *Those leading majority groups did not wish for challenge to take place within Scrutiny.* This is due to a combination of mis-understanding feeling that this challenge would be political, and being unable to control this, particularly in a public arena.

Majority group members, based on the five cases prefer the private arena to challenge their leadership. Within Authority A and Authority C specific reference was made by majority group members to their own lack of knowledge, and experience in comparison to their leaders²⁸. Therefore it was partly a fear of “*looking stupid in a public forum*” that influenced members’ perspectives. They deferred not only to their position but their experience and perceived greater knowledge.

Within Authority B, several Labour members favoured this approach because the group was seen as being where these discussions took place; “*That’s what we do here, it’s always been like that*”. The political background of the Authority

²⁷ ‘Overall, is Scrutiny Working Well?’

Majority Groups – Yes 70.5%, No 18.2%, No Answer Given 11.3%. Opposition Groups – Yes 21.4%, No 71.4%, No Answer Given 7.2%.

²⁸ p.134, and p.189.

was such that the political impetus for this had never arisen. The Labour dominance ensured this was always likely to be the arena where this happened, and the same dominance meant it would not negatively detract from Overview and Scrutiny.

The argument within Authority B was extended further and whilst it was never referred to in Authorities C, D and E (prior to 2005), it is likely this was also the case in these Authorities. That is, the leading group did not wish to present its opposition (no matter how small) with political capital by having public disagreements, even though this is not something that ought to be seen as negative within the evidence-based arena of Scrutiny (Ashworth, 2001, p.14, Leach, 2005, pp.7-9, Snape, Leach and Copus, 2002, p.76).

Whilst majority group members had their own reasons for favouring challenging within their group (as opposed to Scrutiny), their leaders also saw benefits in this. With the exception of Authority A, where perhaps there was wariness, and Authority B where they were confident, leaders were fearful of opposition challenge²⁹. However, from the experience of the five case study Authorities *it was generally opposition members who possessed the best knowledge about Scrutiny and how it ought to proceed.*

It is believed that this was the case because as their group had no policy-making power these members had only the Scrutiny process through which to make a difference. The Scrutiny process was considered more important to them than majority group members who, whilst they could also work within Scrutiny, also had private deliberations over policy within their political group meetings. Whilst it was inevitable some elected members would seek to use

²⁹ p.180, pp.213-215 and pp.226-229.

this capability to embarrass those making the decisions, opposition members recognised that it was their responsibility to ensure that their fellow members would not do so. Even in which was arguably the most political Authority. Authority C.

Therefore, it suggests that majority groups are hindering Scrutiny because of a misplaced fear of being attacked and undermined. They remain entrenched in the mindset from the Committee System that any challenge is a political attack. They did not appear to appreciate that processes have evolved and Scrutiny's purpose is not to do this. This highlighted the key factor needed to change. They fail to understand the Scrutiny process and remain afraid of it being 'independent'.

The majority of those in leadership positions wish to retain as much power as possible. To allow what they see as Committees (in the traditional sense) composed of their own members, independence to scrutinise and challenge what they are doing is ridiculous. Scrutiny challenges this very power base. Even when these Leaders do not necessarily believe Scrutiny to be a negative process for the Authority (indeed all groups were reported as being supportive of Scrutiny), these attitudes demonstrate that they fail to understand Scrutiny.

That all groups were reported as being in favour of the process suggests that the different perceptions members could have about Scrutiny conflicted. Despite, on first reflections, the idea being that leaders within Authorities C, D and E (prior to 2005) were not in favour of the Scrutiny process, it is believed that they are in favour (confirming the information from the survey). The groups were clearly in favour of the process providing that Scrutiny worked in the manner, which it believed that it should. It was when this was not the case,

such as in Authority E post-2005 elections that a more uncertain attitude towards Scrutiny came from the group. When in Authority D the process looked as though it might move away from the vision of the Labour group leadership, they struggled with the process and had to seek to control it. This never arose within Authority C, principally because the Liberal Democrat leadership sought to channel Scrutiny into what they wished it to be.

The reluctance to allow opposition Chairs of Scrutiny has a major impact on the process and its outcomes (Ashworth and Hunt, 2003 p.22, pp.23-24 and p.39, Leach, Skelcher et al, 2003, p.37, Snape, Leach and Copus, 2002, pp.77-78). With the exception of Authority B with its somewhat unique position of being almost what one Councillor described as a “*one-party state*”, the process of appointing opposition chairs in Authorities A and E (post 2005 election) had an unquestionably positive impact on the process. This impact of Scrutiny being independent and pursuing its own path without Executive interference was something that was missing within Authorities C and D as well as Authority E before becoming No Overall Control.

That is not to say those with opposition Chairs were more successful, indeed they had their own difficulties to face such as member engagement and ensuring the Scrutiny process was of value to the Authority. However, it was clear that the process had much more independence. Consequently, when this had occurred the negative impact the majority group had on the role of Scrutiny, particularly in regards to scrutinising had gone. Scrutiny had the potential to embrace any of the many different roles open to it, however it saw fit.

The fear that opposition groups would also have a detrimental impact on the role of Scrutiny, in reality, was without foundation. This was the experience

within Authority A, where Conservative group members had recognised the excellent leadership of the Labour and Liberal Democrat chairs. This process was also beginning to occur within Authority E where leading Labour members of the Cabinet were seeing the independent '*critical friend*' role being implemented by opposition chairs. Within Authorities C and D, the potential for the leadership to develop this understanding appeared to be one that they were not willing to allow.

Opposition members' wider and pragmatic understanding of the role of Scrutiny had led them to recognise that whilst scrutinising was important, *policy development was the most successful practice for Scrutiny to engage in*. They were not seeking to challenge just for challenging sake, or indeed for any other reason, except for when they believed it was fair and necessary. The experience in Authority E demonstrated that depriving this role caused many more difficulties for majority groups than actually allowing Scrutiny to challenge, should it see fit. *Under opposition members, Scrutiny had a more open and honest approach.*

For example, the ability to challenge was often the biggest grievance many members had. Scrutinising and challenging were the principal roles members believed they would be performing within these new structures. With majority groups seeking to control the process through Chairs from their own group, and with a willingness to use its overall majority to ensure its wishes, made the work of Scrutiny ineffective. If majority groups stopped fearing something that the research found, largely, does not exist then Scrutiny can improve significantly. When, as in Authorities A, B and E (post 2005-elections) this had occurred, the Scrutiny process was more successful as a consequence.

9.4. The Role of Scrutiny within the Council.

There is one further factor that applies across all majority group systems and this is the role undertaken by Scrutiny. Almost universally, members of Scrutiny (whatever their political allegiances) felt that policy development and review was the best role for Scrutiny to undertake as it gave them the opportunity to contribute substantially. As previously mentioned, members wanted the ability to challenge and felt aggrieved when this avenue was closed off, but universally members favoured policy development and review. Therefore, this section shall focus on this main element.

A fundamental issue emerged during the research and became a key consideration in understanding the role and relationship between the majority group and Scrutiny on policy development and review. Perfectly summarised by a Liberal Democrat (majority) member within Authority C, this conundrum was;

“A primary tension for Scrutiny is that opposition groups see it as an opportunity to develop policies whereas ruling groups prefer Scrutiny to restrict its remit to scrutinising existing policy, to see what worked and what hasn't. Clearly a ruling group will prefer to develop its policy initiatives on its own. This is, of course, completely natural and to be expected.”

The Executive did not wish for a Scrutiny process to act as a restraint on their decision-making power. From their perspective, Scrutiny does not possess the democratic ability to challenge their implementation of a policy programme endorsed through elections. Despite low turnouts blighting local democracy, many Councillors still had the view that once elected they then had the right to act on the voters' wishes. The idea that they could be held in check and subject to recommendations and suggestions from opposition groups in particular was something they believed was wrong, as this member outlined;

"I think the system is the wrong way around. For example, here in the Social Inclusion Commission, we have a Conservative member who, if they were more vocal, could drive the agenda and have much more of an influence and they are a minority member. The democratic representativeness can be altered by Scrutiny. You can take a subject, depoliticise it and change the Council's policies. The parties who are not chosen by the electorate to take the decisions can have a bigger influence on policies. At the minute, it's the wrong way round."

Case studies from two of the five Local Authorities demonstrate this to be the case. Within Authority C, a review into reducing the carbon emissions from the private and public sector housing was observed. This review was more internally focused so might well have thrown up the political differences that members had described. However, on the whole, members worked well together. Tensions were evident which confirmed much of which had been observed and reported to the researcher, but members worked through and proposed a final set of twelve recommendations.

However, the outcomes of the review demonstrated the difficulty the process had with the majority group. Of the twelve recommendations, five were accepted and noted, four were agreed but only after changes were made to the Executive's satisfaction, and three were not agreed. This demonstrated the political reality that members had to work in³⁰.

Within Authority D, the experience was similar. The Sustainable Communities Review Commission was asked by Cabinet to consider open plan front gardens³¹. The members conducted a site visit to observe the problems caused

³⁰ p.187.

³¹ Highlighted to the Authority in a Best Value Review, this had been a difficulty for a considerable period of time. The Authority had been selling properties to former tenants through 'Right-to-Buy' but at the same time refused to transfer ownership of the land in front unless it continued a chain of already privately owned gardens.

by open plan, spoke to residents within a Commission meeting and discussed the potential options with all the Council departments who would be involved in resolving this issue. Members worked alongside officers to discuss several alternatives, and after considering all the evidence, the Commission unanimously agreed on a pilot scheme.

However, it was agreed that a specific process would need to be in place to transfer open plan into individual front gardens. It was believed that doing so would give the pilot the best chance of succeeding, and ensure other possible scenarios did not arise which could make the process impossible to manage.

It was agreed that, it was financially beneficial to transfer the land through 'deed of gift' rather than requiring homeowners to pay for the land, the majority of which was of little value to the Authority. It would save on maintenance costs and ensure that the potential obstacle of residents refusing to pay (which would scupper the scheme) would be circumvented. In short, the evidence showed that it was a cost-effective solution that would also satisfy community demand.

The Labour-led Overview and Scrutiny Management Board accepted the report and its recommendations, but within the Labour group meeting, the leadership rejected outright the recommendation over the transferral of land. Within Council, all Labour members were whipped into accepting the wishes of the leadership without any debate over the evidence and rationale presented by the Commission.

These particular examples demonstrate the relationship between Scrutiny and the majority group over the key role of Scrutiny. Internally the process operated as it should, with members working across party boundaries, basing their

recommendations on the evidence before them without party political considerations. That the majority groups changed the recommendations once they left Scrutiny proves the difficulty in aligning the electorally endorsed aims of the Executive with that of a Scrutiny process largely populated with opposition members.

From these examples, it is evident that there needs to be a balance struck so Scrutiny is accepted by Executives it can contribute without interference, whilst not hindering the other roles available to it. *In particular challenge has to be available for members to use.* This, as has been shown in Authorities C and D, is difficult to manage. Often the majority groups went beyond attempting to channel Scrutiny towards contributing in the way they deemed acceptable, and continued on to stifle Scrutiny's capability to challenge.

From observing policy development and review projects in Authority E, post 2005 elections, it was clear that the opposition-led Scrutiny process had the ability to directly influence the policy within the Authority. Now the Council was without a political majority, members took the opportunity to seize greater influence, but did so in a fair way that sought to involve senior officers and Cabinet members. The policy examples observed demonstrated not only the improvement in the process from before becoming No Overall Control, but also how Authorities (even those with a single majority) could align an independent Scrutiny process with the policy ambitions of the Executive.

The first of these reviews concerned access to services from the Arms Length Management Organisation (ALMO) in Housing. The review took just under six months from scoping to completion, which, when considering the range of

methods undertaken was an excellent achievement. It demonstrated the commitment and desire from members involved in the review; led by the opposition chair.

Aside from receiving oral and written evidence, members considered background documents, undertook mystery shopping exercises and invited all Councillors to submit case studies of their experience. A questionnaire was also circulated around the borough, and focus groups were held with service users and staff with results being analysed by officers.

By the end of the review (November 2005), the Committee forwarded thirty-nine recommendations, all of which were linked to the key findings from the research methods. The ALMO board accepted the recommendations, as did the Cabinet of the Council, demonstrating the success and the positive reputation it was gaining post-election. Members of another Committee undertook a review into the provision of youth clubs within the borough.

Members remarked to the researcher that this review had been underway prior to the election, but had ambled, lacking any real purpose and drive from the Labour group to conduct it as thoroughly as they could have. Post-election, however, a wide range of evidence was gathered in a relatively quick period of time.

The review bore many of the hallmarks of positive Scrutiny working, with members working together, focusing on the issues and considering the best way forward. Some nervousness and tension was observed in Labour group members as the recommendations were being proposed, which demonstrated the unease at fully completing a robust piece of Scrutiny work (arguably for the

first time). This had never previously been done, and members were also anxious about the possibility of going against their leadership's wishes. However, these concerns had no impact as more confident members, from all political groups, led the process and ensured the review was comprehensively completed. The relevant Cabinet portfolio holder attended a meeting, and was very positive and receptive about the review and its findings.

These reviews demonstrated how Scrutiny was moving forward in the Authority after opposition groups were allowed to lead. Opposition chairing had given greater impetus to the process and an independence it had previously been lacking. Members of the Council were beginning to see the potential value of Scrutiny, rather than the fear of what it might be used for, that had previously been evident across the process. The reviews confirmed what members had explained in interviews; that it needed an independent drive and commitment to lead it forward, for it to truly succeed. The political balance meant that Scrutiny was able, and the Cabinet had to accept their views. Indeed they became willing to do so, particularly as their respect for the process grew.

Within Authorities B, C, D and E (prior to 2005) the process was largely controlled through majority group chairs and Scrutiny was not expected to pose a robust challenge. Within Authority B the large volume of Labour representation meant it was inevitable that both processes would be geared towards the same aims. This gave leverage and emphasis to the recommendations of Scrutiny, since it could be aligned with the direction the Authority was heading in, since this was also the direction that the Cabinet was taking. This allows Scrutiny to be more settled since the opposition groups recognise their limited representation and sought to contribute within their means where possible. The freedom of Scrutiny and the trust between the two

functions allowed it to be the most successful case study Authority³² as demonstrated by this review case study.

Whilst observing within Authority B, the researcher was able to monitor members working on a major project looking at access to the coast. The sub-committee, made up predominantly of Labour members actively involved members of opposition groups as well as a co-opted member from the district council that the area of coastline fell within and an expert officer from within the County Council.

The review was focused on achieving three of the Council's aims – namely encouraging tourism, protecting the environment and improving people's health. Members undertook two site visits to see for themselves existing access to the coast, specifically looking at areas that had been highlighted in a review by the Heritage Trust. The review drew in a wealth of evidence, both written and oral, in particular from external organisations, demonstrating Scrutiny's ability to engage with, listen and then act upon the expertise of those outside the Authority.

At the end of the review, the sub-committee forwarded ten recommendations for improvement. The Cabinet accepted these recommendations, and regular reports have been made to members showing the implementation of their proposals. This has had the effect of continuing to demonstrate the ability of Scrutiny to members as well as building confidence in it across the county.

With the Authority being dominated by the Labour group, there was no clash concerning opposition members having an input into policy. However, in

³² pp.166-167.

Authorities C, D and E (prior to 2005) where there were greater levels of opposition members, the issue of these members influencing Council policy was particularly difficult for majority groups to accept³³.

In relation to how Scrutiny ought to contribute to policy and have successful outcomes, it is clear there should be some correlation between the two. However, this relationship should not be too close. This was the fear of the Labour group within Authority A. They believed the Scrutiny process was aligned too much to the *Corporate Policy Management Board* (CPMB) through cooperating on policy groups. Whilst the background of No Overall Control heavily influenced this, it demonstrated how allying Scrutiny with the aims of the Authority could hinder effective development of an independent Scrutiny process. It could potentially lead to Scrutiny being a mere Policy sub-Committee of the Executive. In addition, close alignment with the Executive could hinder Scrutiny's ability to independently offer a critique when required, particularly if Scrutiny contributed to the details of that area. Factors like these took away from the positive working of Scrutiny, which, as this policy example shows, was progressive and effective.

As a small rural Authority, Authority A has benefited considerably from tourism. However, it was important that tourists bringing their cars in did not compromise this., members of the Economy Scrutiny Committee undertook a review of the Car Park Strategy, or lack there of, within Authority A. The members of the Committee worked within meetings to question officers and organisations outside the Council, as well as debating the rationale and requirements for any potential car park strategy in light of the policy context they were working within.

³³ pp.186-187, pp.209-210, pp.226-229.

Members also made use of research that already existed, such as the Local Transport Study.

Since members recognised that they needed to engage with people, Members developed and disseminated a questionnaire on car parking, seeking views from businesses, stakeholders and residents. This was available in hard copy but was also publicised and made available on the Council website. The engagement received from the questionnaire was very positive and useful to the Scrutiny Committee in formulating its recommendations. As was the work of individual members of the Committee, who interviewed stakeholders about their views and ideas for car parking.

This review ended with several recommendations, but the main one proposed that CPMB and Scrutiny establish a joint-working arrangement on developing a car park strategy, which was accepted. The review reflected the different views held by members about the Scrutiny process³⁴. The work between members and particularly the innovative and community-based methods were advanced and of a high quality.

Clearly, the background and traditional ethos of the Council still bore a huge weight on the process, as shown by the need to involve all members in the development of the car park strategy. The reluctance for Scrutiny to lead completely on this served to frustrate some elected members, particularly those in the Labour group who felt that things needed to change from the cooperative attitudes prevalent under No Overall Control. With this particular review, they felt that Scrutiny members had the knowledge and had done the ground work

³⁴ pp.131-138.

for this strategy, but CPMB members were being brought on board, not to politically interfere, but simply to provide them with something to do.

In contrast to this stood Authority B where Cabinet and Scrutiny worked together towards achieving the priorities of the Council. There could perhaps have been an element that the two branches were too closely aligned but it was clear that Scrutiny remained independent. In its work Authority D enjoyed the same level of independence but the leadership took a different attitude. Scrutiny had the potential to be more independent than it wished it to be. They believed they established the policy framework and therefore determined what recommendations from Scrutiny were acceptable or not. The leadership in Authority C took a similar attitude but adopted the alternative approach – choosing to limit the Scrutiny process before it was able to conduct its work independently.

Like Authority D, they appointed majority group Chairs but unlike within Authority D, these Chairs did not feel able to be independent. Their experience of being in opposition clearly demonstrated to them the potential of the Scrutiny process. That they felt it was necessary to control every aspect, as opposed to Authority D where the process was granted *some* freedom, demonstrated this. In contrast, the Scrutiny process in Authority D was given freedom providing its recommendations aligned itself with what the Cabinet found acceptable.

These factors ensured that Scrutiny is facing a wealth of difficulties before it can make itself successful. Central to this is the majority group who hold the key to this success and unless they are prepared to allow Scrutiny to be truly independent, then Scrutiny will always be problematic.

9.5. What Impact does 'Culture' have on the Scrutiny Process?

"Ways of working are supported by the culture of an Authority or the set of beliefs and attitudes that underlie a way of working. Culture is conveyed over time by a combination of experience and by accepted discourse. Experience is carried forward through the gradual turnover of Councillors and officers and by the continuities 'of the way things are done here' which newcomers find they have accepted before they have had the opportunity to challenge them. ... Culture reflected in discourse expresses beliefs and attitudes both about how the Authority should behave, the ways of working and the proper role in Local Government."
(Stewart, 2000, pp.19-20)

This thesis has emphasised the importance of the culture of a Local Authority, since the Government emphasised how much of a change Scrutiny would be for local political cultures. Culture of Local Government was considered within the thesis since it was emphasised by the Government how much of a change Scrutiny would be for local political cultures. The Government wanted to change the inward-looking oligarchic structures that existed and make Councils' more outward looking and responsive, linking communities to the Council. It was interesting to observe whether Scrutiny had simply become assimilated into the tradition of the Authority as a whole, thus minimising the potential impact of the reforms.

From the five examples studied, it was clear that *as much as they possibly could, Scrutiny had not been allowed to provide such a clean break with the past. The traditional hierarchical structures had evolved to accommodate and absorb streamlined decision-making and Scrutiny processes.* However, they clearly wished to retain as much of the old power as possible. With Councils holding the power to structure the new practices, the Government had left Local Authorities with the potential to control the process.

It was initially noticed in the Authority in which the researcher worked (Authority D), that despite the rhetoric of new political arrangements, very little within Authorities was actually changing. This was then considered within each of the subsequent Authorities. It appeared that mindsets were remaining the same.

The majority of meetings remained within the same venues as prior to the Act of Parliament and within the Council the political situation remained the same. Minutes remained in the traditional format, ignoring the ability to capture the flavour of debate and discussion and remained obsessed with decisions. Therefore the culture – “*the way things are done here*”, largely remained untouched (Stewart, 2000, pp.19-20).

The stability of this culture is also a determining factor in the Scrutiny process. It was also clearly observable that *the more established the political culture of the Authority in terms of political balance, the more successful Scrutiny proved*. Authority B arguably had the most advanced process within its long-established tradition of Labour control. Authority D also had this tradition and employed a relatively successful Scrutiny process, with the odd exertion of group control. Finally Authority A, despite seeing a surprising political change in 2003 had managed to retain a settled political culture. This was due to the non-divisive approach employed by the new Conservative administration and the long history of cooperation established through No Overall Control.

In contrast, Authority C suffered most from its political circumstances. The bitterness between the two principal parties weakened the Scrutiny system. It appeared this extended beyond the elections in 2003 and had existed for some time. It was further exacerbated by the post-election actions of both sides, both within and outside the Scrutiny process. The local electoral politics of the area

affected the entire political process. The recent Liberal Democrat victory created a confrontational local political system.

The Liberal Democrat group felt Labour would use the Scrutiny process to embarrass the leadership for political gain, and as a mechanism to regain power. In direct contrast, Labour felt the process was hindered from fair scrutinising since it would embarrass the Liberal Democrat majority and thus weaken their political position. In circumstances such as this, it is exceedingly unlikely Scrutiny can operate anywhere near full capacity³⁵.

Within Authority E, this factor would take on a different complexion. The political fear of losing control may well have contributed to the Labour group restricting Scrutiny; as they had seen their majority gradually diminish over the preceding years prior to 2005. The move to No Overall Control meant that whilst still fragile, the political circumstances were balanced and did not allow a single perspective to dominate.

The political divide was relatively balanced within the Council. But the experience prior to 2005 under Labour control united the opposition groups. They resolved to use Scrutiny in the manner in which the Government intended when it was introduced. Therefore, the political background again helped shape the attitudes of those within the Authority.

The Government advocated Scrutiny as a break from the past but unfortunately failed to recognise that many elected members would still have a viewpoint that was deeply influenced by the Committee System mindset (Johnson and Hatter,

³⁵ pp.178-181.

2004, p.5). Consequently any advice they gave failed to give any real assistance in how to change these mindsets.

The Government failed to appreciate that these powerful majorities had a large degree of power over the Scrutiny process and if they were unhappy about it, didn't understand it, or felt threatened by Scrutiny then they could limit its potential. As the research demonstrated, much of the background impacted on the Scrutiny process, such as the nature of cooperation in Authority A, the strong Labour group control in Authorities B and D, and the competitive political nature of Authority C.

Some of this was beneficial, such as the level of cooperation in Authority A³⁶. While the background of strong Labour control also helped shape the realist perspectives of opposition members in B and D and the learning from experience in E³⁷. Yet in the main, the impact of the majority group on the role and successes of Scrutiny were negative since it produced the bitterness that existed in Authority C³⁸. It also led to the expectation amongst the Labour leadership in Authority D that its members would follow their lead, even when in Scrutiny³⁹.

9.5.1. The Implications of Resourcing Scrutiny.

Another factor that influenced the success of the Scrutiny process was the resources that were allocated to it, in the form of dedicated officer support and the finances and training available for members within the process.

³⁶ pp.138-139 and p.147.

³⁷ pp.159-160, pp.201-202, pp.233-239..

³⁸ pp.192-193..

³⁹ pp.209-210.

Across the five case study Authorities, there was relatively little variety in terms of dedicated officer support. Only Authority A had no dedicated officers, drafting in Senior Officers as independent support for Committees. The four remaining Authorities had either two or three Officers working towards their relevant Scrutiny functions. This issue is seen as being an important issue for the Scrutiny process, and it is clear that, without it, members admitted, they would be “lost”. However, based on the five case studies dedicated officer support is not the most important factor for Scrutiny.

Whilst Authority C and Authority D had, in theory, the same level of back-up for elected members, Officers within Authority C were stretched over three times the number of Committees than their counterparts in Authority D. However, both Authorities found their functions hindered by a defensively minded Executive.

Authority E struggled to provide officer support prior to the elections in 2005. Admittedly this was one of the issues that were being addressed post-election, but the prior defensive nature of the majority group, and in particular of its Chairs of Scrutiny, meant that any work the officers could provide for the process was less effective than it otherwise might have been. The officer support within Authority B was highly praised by elected members, but it was only able to play as vital a role as it did due to the Authority working well together towards the Council’s priorities. The respect for the Scrutiny process that came from the Executive granted the process the freedom to work independently and therefore the work of the Officers was able to reach its full potential.

Despite the Authorities comprising all three tiers of Local Government, and being of very different backgrounds, perhaps one of the most encouraging aspects was that members overwhelmingly reported that sufficient training was being provided for them. This suggested that Authorities were keen to develop the Scrutiny function, however, as this thesis has demonstrated, political attitudes need to change before Scrutiny processes can fully benefit from the training that the Authorities are spending resources upon.

Within each of the five Scrutiny processes, the level of resources available in order to provide external expertise varied. Within three of the functions – Authorities A, B and E, members never addressed this issue. From observations, it was clear that the Authorities managed to obtain participation from many external organisations, suggesting that they are keen to be involved in engagement with Local Authorities. Indeed, Authorities A, B and D, in particular Authority A, were arguably the most successful in terms of the depth and breadth of organisations who attended Scrutiny.

Considering that two of these were both District Councils, and in the case of Authority A, who admitted that they struggled in terms of budget (hence the lack of dedicated officer support) demonstrated that *a substantial budget for Scrutiny does not necessarily produce better engagement of relevant expertise and outside bodies*. Furthermore, neither does it equate to more innovative practices being available, such as variety in meeting venues. Indeed, again Authority A led the way through using a variety of different venues for meetings depending upon the purpose of the meeting and the topic under consideration. The other Authorities engaged in activity such as this but their willingness and ability to do so bore no correlation to the budget allocated to Scrutiny.

Culturally, it was observed how important the mindset of officers attending and supporting Scrutiny was. This was reported in Authority E where members made specific references to officers having a pessimistic view of Scrutiny. On occasion in each Authority those Councillors most in tune with Scrutiny managed to engage with officers whom were prepared to be flexible and adapt to the required approach for Scrutiny. However, many officers saw 'Scrutiny' as questioning their methods and thus were fearful of being asked to answer questions. Because of this many officers adopted a defensive stance and sought to maintain the same approach they were used to. They appeared unable to break from the culture of the Authority and the culture of the Committee System.

Many officers had served within the Committee System and when attending Scrutiny most preferred to produce papers and reports in this style and manner. Since the officers were experts in holding the information Scrutiny was seeking to tap into, members often deferred to them. This was less the case within Authorities B, C and E, suggesting that the higher the tier of Local Government the more assertive and knowledgeable (and with better questioning skills) elected members are. Despite this, members still largely deferred to officers' knowledge, which limited a potential avenue for them to challenge. Members appeared to be too respectful of what officers felt and perceived. Whilst clearly it was important they did not become overly critical, elected members were still missing an opportunity.

Often ingrained in the culture of the Authority, these officers almost imposed their view of what Scrutiny ought to be about onto the Committee, as opposed to adapting to the approach of Scrutiny. This produced an environment within

Scrutiny that actually *could very easily have been a scene from the traditional Committee System.*

The literature has claimed that officer support for Scrutiny was essential and members within each Authority praised their support for their effort and contribution (Audit Commission, 2002b, p.4, CfPS, 2004a, p.10, Leach, 2005, p.33). However, they also played a role in the process, particularly since Scrutiny was still establishing itself. Certainly many Councillors required guidance and therefore their own perceptions and attitudes were an important factor.

However, many Scrutiny Officers had moved from other branches within Local Government or the Local Authority. This again led to grounding within the Committee System. It was noticeable that many of these officers tended to be appointed to the higher echelons of the Scrutiny process (due to their experience) and thus were key in formulating how the process would operate. The researcher observed personally how it was critical for elected members to begin engaging in the Scrutiny process at an early stage. *Those members who were most difficult to engage in the process were those who had been allowed to keep their negative mindset.*

It appeared difficult for some officers to break fully from the past and similarly encourage Councillors to move away from traditional methods, since these shaped greatly their own perspective. Sometimes there could be a fear of moving into what they had not experienced or did not know. Therefore when officers themselves were still struggling to come to terms with the changes, this allowed the views of these Councillors to manifest themselves and have a negative impact on the Scrutiny process.

Within Authorities B and E it was elected members who sought to lead the process to the required approach. Within Authority B a strong Chair of Scrutiny sought to lead Scrutiny backed by a knowledgeable and politically settled membership. In Authority E it was the installation of opposition chairs that resolved to tackle the resistance and continuation of traditional practices. Authority D continued to produce good policy work, despite the continuation of strong leading group control and it appeared no-one with the potential to clearly break away from the system was willing to do so. The same existed within Authority C, albeit it was more hampered by political issues. Authority A still largely continued to work collaboratively and this ensured that a large portion of the traditional culture remained.

9.5.2. Experience of Scrutiny.

Furthermore, the divide between Scrutiny and Executive is not as clear-cut as it may seem. The processes are fluid and are subject to promotion, demotion and ultimately the wishes of the electorate. *Therefore, the knowledge and experience of the process gained from being a part of Scrutiny can also play a contributing factor in the attitude of majority groups.* Being able to draw upon experience from the 'other side' was a factor within Authority C as well as Authority B, albeit for different reasons. These were evident through their actions and whilst elected members did not always note this, their experiences clearly had shaped their current actions and attitudes.

After their victory in the 2003 election, those within the Liberal Democrat leadership within Authority C clearly witnessed sufficient potential for Scrutiny to make their roles uncomfortable. Upon winning power they immediately began to

manipulate the process so it would not be able to challenge their decisions. *Unfortunately, they only saw how it could be used politically, demonstrating their mindset in regards to all matters within the Council.* This attitude upon coming to power was an extension of something their opponents believed they practiced whilst in opposition. Once they obtained their new political position they obviously felt it was better to control and limit Scrutiny's actions because they believed their opponents would invariably seek to use the process in the same manner⁴⁰.

Within Authority B, the Leader of the Authority had previously been the Chair of Overview and Scrutiny. *It was evident through the way the majority group interacted with the process, that the Leader fully understood how Scrutiny was intended to work and how it had to work to be successful.* This was largely gained through their own experience of leading the Scrutiny process.

Despite the preference of most Labour members to retain a certain level of discussion for the group, the process retained its own independence. It was allowed to operate freely in the choice of topics and indeed, no pressure was applied to seek to control Labour members. This situation was assisted through Scrutiny having a large number of Labour members in the process. This made it difficult should they have wished to attempt to control their members⁴¹.

As one Councillor put it:

"Here, the Executive is elected by their own members; they won't turn it against us."

⁴⁰ p.189.

⁴¹ p.166.

With their huge majority, the Labour group could have sought to control the process as much as possible. But this was not the case. The process was granted the independence it needed. The Leaders of the Councils within Authorities A, D and E (pre-2005 elections) had no such experience on which to fall back. Therefore, they took a stance that reflected how they believed Scrutiny should operate. This incorporated a perspective of, how opposition groups would work within the process.

Authority A's leadership had worked alongside opposition groups for a long period as the Authority was No Overall Control and therefore had a good relationship with these groups. This was reflected in how they granted opposition chairs and allowed the process to be independent. In Authority D, the background of strong Labour control appeared to force the leadership into believing that they should retain a strong control over Scrutiny so that opposition members did not lead the process. After all, from their perspective the Labour group had a strong mandate, and it was not acceptable for an opposition group to have a greater influence in policy-making than their representation should allow. The same applied within Authority E, albeit with Labour only having a one-member majority. Therefore, they took the attitude to strongly control and limit the Scrutiny process to minimise opposition input and the potential consequence of the Labour group losing power (although this scenario actually occurred in 2005).

The two examples from Authorities A and B demonstrate the influence of past experience on the subsequent relationship between the Scrutiny process and the majority group. *It reminds us that these local political environments are forever evolving. It also demonstrates that as time progresses, those currently*

limiting the potential of Scrutiny may recognise their mistakes and allow it to work as it should.

Those within Authority C may recognise the negative influence they are having on the Scrutiny process and grant it more independence. However, based on the experience observed in the research, this is an unlikely scenario. Party politics run deep within the Authority and unfortunately the Scrutiny process is a victim of this. Council leaders within Authority D may recognise that opposition groups understand the futility in challenging for the sake of challenging, and merely wish to contribute to policy in a meaningful way. However, the long experience of the strong type of Labour leadership in the Authority, even with a large majority, meant such a concession was unlikely. Those in Authority A felt that cooperation would continue and whilst perhaps there was too much emphasis on cooperation it was not a negative perspective of Scrutiny that was hindering the process' development. Of these three Authorities, this situation was most likely to change. Authority A admitted it was still adapting to not being a No Overall Control Authority and since the leadership was willing to grant Scrutiny a degree of freedom, the level of cooperation was likely to recede. However, the positive relations between groups should still remain.

It can also be argued that *despite the limitations a majority group place upon Scrutiny, Scrutiny can still make a positive contribution.* This will not be through an avenue chosen by those within Scrutiny, because they feel it is the best way to proceed, but because it is available to them and it will not be restricted. This occurred within Authority D where it was recognised that policy development was the best way to proceed. However, the recommendations were fettered by majority group decisions, and acted as a filter to remove or amend those deemed unacceptable.

Within Authority C, the process was more explicit. Members of Scrutiny realised this process was happening and admitted to tempering their recommendations in order to ensure that the reports they were forwarding were accepted by the majority. As this member explained;

"We were careful in our recommendations. We didn't want to overstep ourselves in what we thought would get passed, so we made them according to what we thought we could achieve. You could say that we were fully aware of the political nature of the Council when we were making our recommendations. Because I think it's important to remember that Scrutiny is as much based around party politics than it is in developing new ideas. The Council is the way it is and politics is a major role in it, we have to accept that otherwise we'd do nothing."

Clearly this was Scrutiny, but operating under directly imposed restrictions. Therefore, the majority group does hinder the outcomes of Scrutiny but it is wrong to assume that because of this Scrutiny does not have any outcomes.

Perhaps as Scrutiny became more embedded in the Authority these attitudes from both officers and elected members and the culture could evolve to incorporate that required for the process to achieve its potential. As was noted by Councillors, Scrutiny was still relatively new and had the Committee System still lingering in the mindset of many.

However, this thesis believes that unless someone, preferably an elected member such as the Chair of the Overview and Scrutiny Committee within Authority B, takes the initiative Scrutiny will not fulfil its potential. Within two of the five Authorities this process has begun, and whilst it is successful to some extent in Authority B and hopes to prove so in Authority E, more could be done to drive Scrutiny forward.

Within Authority A the process is still evolving and potentially could change. The leadership of the Conservative group appear willing to allow Scrutiny to follow its own path but elected members themselves need to drive the process forward and there were clear indications this was beginning to occur. Certainly the findings of this survey led to the realisation that more needed to be done, and the action to take was being debated. The attitudes within the Authority may have been considered old-fashioned with the emphasis on collaboration but it led to a relaxed attitude from the Conservative majority group (which could have been described as 'nervous' at its worst).

Authorities C and D are perhaps the most difficult to envisage an imminent change due to the power wielded by the majority group within each of these Councils. The political circumstances and the attitudes displayed by those leading the Authorities appear firmly entrenched and unlikely to change. Opposition members are not instilled with any real power to drive the process and majority group members appear to not possess the willingness to attempt to break from their leaders requirements.

In addition to this were the actions of the majority group. They sought, as far as possible to retain control and channel Scrutiny into becoming what they wished it to be. When Councillors within Scrutiny shared the view of the majority group, as they did in Authority B, the process benefited. Within Authority A, the preference for collaborative working remained in the Conservative majority. Whilst they did not seek to negatively impact on the process, through the continuation of this practice, they had a negative impact. However, when greater numbers of opposition Councillors existed, who had their own ideas on the Scrutiny process, tensions developed.

9.6. Is the Type of Authority a Factor in the Success of the Scrutiny Process?

The five case study Authorities were chosen upon the basis that they would cover all tiers of Local Government, and would be diverse in background, size and socio-economic make-up. This would allow the thesis to assess whether the tier of Local Government played a role in the success of the Scrutiny process. Furthermore, the variety in Authority type and background meant that any similarities would take on greater significance.

In terms of the work that Scrutiny conducted, neither the quality nor variety of work showed any form of recognisable pattern across the tiers of Local Government. Each Authority had proved successful at several tasks that it had sought to address. The County Council and Unitary Authorities had perhaps more topics to address in terms of the services that they provided but the two District Councils (Authorities A and D) also proved successful. Dedicated officer support and resources were not greater within the larger Authorities, indeed it appeared that each Authority (with the exception of Authority A) provided similar levels of support to the process. This was reflected in the comparable quality of work that each function produced.

One area in which there did appear to be notable differences across the tiers of Local Government was the calibre of Councillors. It was a general pattern that members at County and Unitary level were more knowledgeable and professional in their approach. In particular these members often had more time to devote to the Scrutiny process, something that was noted both in the literature and by members interviewed as essential to making the most of the process.

Elected members within Authorities B, C and E were more likely to be full-time Councillors (although still relatively unlikely within Authorities C and E) and thus were able to take on more of the Scrutiny workload. Despite this however, it was found that many Councillors within all tiers were retired and therefore could devote the time.

However, in many cases these experienced members were finding the adjustment to Overview and Scrutiny the most difficult. Therefore they did not attempt to engage fully in the process. This also served to highlight that the Government's stated aim to draw new people into representing their community, was on the whole, failing.

Nevertheless, this variance in quality and availability of elected members did not affect the outcomes in the Scrutiny process nor did not necessarily provide for a better awareness or acceptance of Scrutiny amongst leading members.

Essentially the Authority-type did not play an influencing role on the success of the Scrutiny process. Authority B, the only County Council that was studied was successful as a consequence of the political make-up of the Authority and the excellent knowledge of the members within Cabinet and Scrutiny. One of the two District Councils, Authority A enjoyed a history of non-politicisation and collaborative work, which benefited the process of Scrutiny. Yet these two Authorities were very diverse.

The majority groups across all five of the Authorities had different political, different majorities and a different context to their Authority. Despite this, in the absence of overwhelming contextual circumstances, most majority groups

displayed strikingly similar characteristics. Without these factors found in Authorities A and B and the move to No Overall Control in Authority E, majority groups at all tiers tended towards controlling the process. They sought to use their majority to derive what they wanted from the process. Authorities C, D and E (prior to 2005) were very different but tended to limit the process. The Authorities were different tiers, at different stages of evolution regarding the Scrutiny process, but principally they sought to control the process.

The leaderships still based their actions upon their own experience of the process, on their own perception of what Scrutiny ought to be, and the context within their own Authority. As we have seen in this thesis, is the largest single factor in determining the success of Overview and Scrutiny. As was seen in Authorities C, D and E (prior to the 2005 elections), if the majority group want to do any of the following, other debates and factors are largely irrelevant.

- a) limit the opposition since they feel they will attack the majority in a political manner,
- b) limit the opposition since power in the Authority could be won by another political group, or
- c) limit the Scrutiny process since they are wary of any independent recommendations emerging that challenge their views and policies.

The issue of whether there were different Scrutiny processes, practices and outcomes at different tiers of Local Government was a worthwhile issue to consider. However, based upon this research within five very diverse Authorities, the tier of Local Government does not play a determining factor within the Scrutiny process.

9.7. *What makes the Scrutiny Process 'Successful'?*

The literature review found that many factors could influence the Scrutiny process⁴², and the research from the five case studies both reinforces and adds to this focus. Based on the case studies the following factors contributed towards making Scrutiny a success in majority group systems (Figure 24).

Figure 24. Factors that facilitate 'successful' Scrutiny.

1. The presence of majority groups who are confident in their policies and who understand and accept the legitimacy of Scrutiny.
2. Ability to scrutinise the business of the Executive.
3. Chairs who are strong, knowledgeable and act independent from party allegiance.
4. Roles for all groups. Not automatically opposition chairing but at least the ability for opposition groups to recognise they have a role to play.
5. Majority group members prepared to think and act independently, and opposition groups prepared to be fair in their approach.
6. Positive approach from members. Strong-minded in the face of difficulties. Flexible and knowledgeable enough to recognise the process can do many things.
7. Positive, strong working relationships within Scrutiny between members of all groups.
8. Settled political circumstances in terms of background and current context. For example, groups not unhappy at losing power, no issues from elsewhere and Scrutiny not seen as a tool to assist in the gaining of political power.
9. Fair processes and practices in Scrutiny. e.g. structures, call-in.
10. Officer support, of sufficient status within the Council to ensure Scrutiny's independence.

As the research has demonstrated, the most important factor in determining how successful Scrutiny is the role of the majority group. If they have a confident approach then a relaxed attitude about the prospect of an independent Scrutiny process is much more likely. Such a scenario was demonstrated within Authority B, although the members of the majority group within Scrutiny often placed their own boundaries on the process. Leach believed that if the Scrutiny process was given freedom the inevitable limits would still be in place. However, this would not weaken the process (2005, p.9).

⁴² pp.78-82.

This was certainly the case in Authority B and to a lesser extent in Authority D, although the boundaries were much more restrictive within Authority D.

The ability to challenge was critical since it was the role members strongly felt that they should be undertaking. This was particularly the case when it was explicitly denied, as was the case in Authority C. It could equally have been true within Authorities B and D but for the acceptance of opposition Councillors of the 'reality' of how the Authority works.

Central to fulfilling this challenge role was the part played by the Chair, particularly the willingness to lead independently. Based on this thesis' research, it is felt that opposition chairing is a better method through which to do this, since they do not have the in-built loyalty to the leadership taking decisions. This was confirmed by the change of Chairmanships from the majority group to opposition groups within Authority E.

Another factor identified was the requirement that all groups needed to have a role. Scrutiny is not a majority group process, but neither is it solely for opposition members (Maer and Sandford, 2004, pp.7-8, Snape, Leach and Copus, 2002, p.42). It is not the easiest factor to achieve as has been proven with majority groups tending to attempt to play a controlling role in Authorities C, D and E prior to becoming No Overall Control⁴³. This is an important factor since it influenced subsequent factors, since when all groups had a role such as in Authority B (albeit, this was relatively easy to achieve with such small opposition representation) positive attitudes followed⁴⁴.

⁴³ pp.192-193, pp.209-210, pp.224-226.

⁴⁴ pp.158-159.

Importantly, elected members need to feel empowered to think and act independently. This particularly applies to majority group members. Research has shown how difficult this is and has been, for members (Ashworth, 2001, p.11, Polidano, 2001, pp.249-275, Snape, Leach and Copus, 2002, p.76). When members were able to do this, the Scrutiny process was far more successful. In Authority B Labour members felt able to be independent from Cabinet if they saw fit and within Authority D, those Labour Chairs led an independent process (albeit only to then have this work filtered by their leadership). However, in Authorities C and E (pre-2005 elections) this was clearly not the case. Members, and in particular majority group members worked in the shadow of their leaders in the Cabinet. Indeed, even opposition members acknowledged this, taking into consideration what they felt would be acceptable to Cabinet members when formulating recommendations⁴⁵.

Consequently, if opposition members believed the process was independent, they would then be more minded to thinking fairly (Snape, Leach and Copus, 2002, p.42). Clearly, members felt suspicious to a great many matters regarding the actions of majority group members across all five Local Authorities, even when as was the case in Authority A for example, these suspicions were without foundation.

However, in contrast, within Authorities B and D (where opposition members were most at ease with the approach taken by the majority group) the process benefited much more. This fair approach from members of all perspectives was conducive to the success that they achieved. These positive attitudes and good cross-party workings are an important factor in making the process successful (Fenwick et al, 2003, pp.35-36), as was demonstrated when they existed in

⁴⁵ p.187.

Authorities B and D. In Authority D this appeared to be lacking, and consequentially it caused several members to feel their role within Scrutiny was meaningless. It was also the case within Authority E as opposition members felt that Scrutiny lacked any purpose (as a result of being seen as irrelevant by Cabinet)⁴⁶.

From the literature review it was evident that fair practices and processes played an important role in the success of the Scrutiny process (CfPS, 2006, p.14, Stoker et al, 2003, pp.46-47). However, it could be argued that the attitudes of Councillors are far more important. Even if fair processes and practices existed, if elected members were minded to be aggressive and politically attack each other, the process would be weakened regardless.

Officer support is required to make Scrutiny succeed. This is evident within all previous research and unsurprisingly was confirmed even further by this research (Ashworth and Hunt, 2003, p.14, CfPS, 2004a, p.10). Authorities A and C, who had either limited resources or found their resources stretched, suffered from a weakened Scrutiny process as a result⁴⁷. Within Authority B, strong officer support was provided but the process was only successful due to the attitude of the Cabinet and those members within the process. The same can be said of Authority D, who, despite their strong support structure found the success of the Scrutiny process was ultimately determined by the views of the Labour group⁴⁸. In contrast, Authority E had struggled previously, partly due to a lack of dedicated officer support, which was referred to by elected members. This was now being strengthened, and whilst it would improve the process, other obstacles such as the structuring of Scrutiny, the relationship between

⁴⁶ pp.226-227 and pp.233-239.

⁴⁷ p.130, p.172 and p.184.

⁴⁸ pp.214-215.

members and the attitudes of the majority group had a bigger influence in allowing Scrutiny to be deemed successful.

9.8. What Limits the Effectiveness of Scrutiny?

This thesis has identified a number of factors that work to restrict the effectiveness of Scrutiny (Figure 25).

Figure 25. Factors that contribute towards 'weak' Scrutiny.

1. Defensive and fearful Executives who lack appreciation of the role of Scrutiny. They are willing to use their position to limit the Scrutiny process.
2. Opposition groups seeking to make a political point, and use Scrutiny to embarrass the Executive. Similarly, majority group members minded to defend their Executive colleagues.
3. Poor relationships in Scrutiny, between members, and also including officers, Executive members and outside representatives.
4. The inability to scrutinise the business of the Executive.
5. Weak Chairs (from any political perspective).
6. Poor member engagement and knowledge.
7. Failing to recognise that modernisation needs a strong break from past practices.
8. A lack of focus and aims for Scrutiny.
9. Lack of support, be that financial resources or officer back-up.
10. Lack of clear lines of accountability.

Again, the largest factor that leads to a weak Scrutiny process is the negative attitudes and actions of the leading group. If they seek to limit, interfere and command loyalty from its group members then the Scrutiny process will be greatly undermined (Johnson and Hatter, 2004, p.7) This was found within Authority C, and to a lesser extent, in Authority D where their actions undermined the eventual success of their respective Scrutiny process⁴⁹. This was in contrast to that positive view from those in Authority B and to a lesser extent in Authority A⁵⁰. Consequently, this can lead to an opposition group seeking to attack those in power, such as in Authority C. This need not be as a result of a negative attitude from a majority group.

⁴⁹ pp.192-193, pp.214-215.

⁵⁰ pp. 142-143, pp.167-168.

Indeed, within Authority C the Liberal Democrat majority believed the Labour group wished to use the process to attack them. Therefore, they had to defend the process from such abuse⁵¹. However, the research believed the majority were weakening the process thus provoking the reaction from their opposition⁵². This highlighted how the context played a role in the Scrutiny process. The view that the majority group should 'guard' Scrutiny could be argued to exist within Authorities B and D, but the manner in which it was done (as well as the attitude of opposition groups) prevented any bitterness developing. Therefore, it was clear that after the attitude of those with the ability, through their majority, to mould and shape the process, the next factor was that of opposition groups. Seeking to attack political opponents invariably draws a defensive reaction from majority group members and produces a process weakened by argument (Leach and Game, 2000, p.42, Polidano, 2001, pp.249-275).

In addition, the inability to scrutinise the business of the Executive does not contribute towards Scrutiny proving successful since this is the greatest role members of Scrutiny believe they have as a result of the new political arrangements (Snape and Taylor, 2000, p.189). When this was missing from the Scrutiny process, such as it was in Authorities C, D and E (pre-2005 elections) as a whole the entire process was weaker⁵³. However, again showing the individual nature of Authorities it produces negative attitudes amongst the Scrutiny membership, which spread to attitudes on the entire process rather than this single avenue of scrutinising decision-making.

⁵¹ p.178.

⁵² pp.180-181.

⁵³ pp.185-186, pp.188-189, pp.207-208 and pp.229-230.

If the Chairs are weak and fail to lead Scrutiny with strength and independence they are preventing it reaching its full potential (Ashworth, 2001, p.10, Johnson and Hatter, 2004, p.7). This was seen in this research where those who were leading the process (usually a majority group member) lacked the drive and willingness to lead Scrutiny forward, even if that meant in the face of their own group's leadership. Whilst it occurred within Authorities C, D and E, before becoming No Overall Control, it was certainly not the case within Authorities A and B⁵⁴.

This thesis confirmed the findings of other research, in that many members are disengaged from the Scrutiny process (Fenwick et al, 2003, p.33, Leach, 2001a, p.7). This was observed in every case study Authority. When this occurs it can produce two scenarios, leave which were observed within the course of conducting this research. Firstly, lack of understanding over the purpose and role of Scrutiny can lead to members becoming dis-engaged, allowing the bulk of the work to fall upon a small concentration of members. This was the case in all five of the case study Authorities which increased the pressure on those members and the officers supporting them. Secondly, a lack of understanding amongst elected members could develop into criticism of the process. This leads to the making of political statements and continuing to attack their political opponents in an environment supposed to be non-political, which was the case within Authority C.

A lack of support given to Scrutiny also limited its ability to achieve its potential. Lacking officer as well as financial resources hindered the process in Authorities A, C and E. The inability to resource Scrutiny gave it a much smaller potential impact and leaves it weak and struggling to establish itself (Audit

⁵⁴ pp.143-144 and pp.164-165.

Commission, 2002b, p.4, Cole, 2001, p.243, Snape and Taylor, 2000, p.191, 2001, p.7). Based on the case study Authorities, it was much easier for Scrutiny to become weak. This is reflected in the smaller numbers of factors that can lead to such a scenario. It is much easier to manipulate and weaken the process.

Research thus far has found that Scrutiny functions are underperforming (Ashworth and Snape, 2004, pp.542-543). Despite this, this thesis also uncovered some very positive signs in the Scrutiny process across the Authorities. Members were engaged, were committed to making it a success, and they had already made a measurable impact. As Pratchett and Leach argue, this sometimes has been overlooked but it is important to recognise the progress that is being made (2004, p.378). The biggest frustration is unquestionably the fragility of the process and the relative ease with which it can be manipulated and therefore frustrated.

9.9. Has Scrutiny Changed the Role of the Elected Member for the Better?

Scrutiny was described as a way to ensure elected members would have the time to re-establish links between the community and Council. However, research demonstrated that Scrutiny was a very time-consuming activity (Stewart, 2003, p.89). Therefore the time for elected members to do this was significantly less than the Government anticipated. It appears they underestimated the commitment required to work within Scrutiny (Davis and Geddes, 2000, p.19, Stewart, 2003, p.89). This finding was corroborated by the experience of the elected members across these five case study examples.

This thesis found that there were two schools of thought about the role of elected members within Scrutiny. On the one hand, *when members were engaged and actively participating in the Scrutiny process, they felt it was an improvement on the traditional role of the member. The counter-perspective was that Scrutiny was not an enjoyable process and this was deterring them from continuing as a Councillor.* Often these members were dis-engaged from Scrutiny and unsurprisingly, they complained that the process moved without their participation.

For many Councillors, the ability to effect change for their local community was central to being an elected representative⁵⁵. It was here that the differing views on whether Scrutiny had enhanced or weakened their roles appeared most prominently. Those engaged within Scrutiny saw the potential for them to use the process to resolve such problems as well as to raise issues of local concern. This was through different mechanisms to that traditionally employed in the Committee System and consequently confused and disheartened these members. They saw the process as taking them further away from effectively representing their communities.

Many Councillors failed to recognise they had to become 'active' rather than 'reactive', as had previously been the case. Previously, they sat on Committees and papers and options were placed before them, prior to a vote being taken. Members had no need to gain an understanding of issues. In the Scrutiny process, they need to consider evidence and forward ideas and suggestions that could become recommendations. From each Authority it was clear that a small select group of members were engaged in and leading Scrutiny, although the proportion of those engaged was relatively higher in Authorities B, C and E.

⁵⁵ pp.73-74.

The lack of engagement from members was cited regularly as being a problem for the process.

Even in Authority B, Chairs spoke of some members who did not participate but stressed that they would not allow them to hold Scrutiny back. It appeared that once Scrutiny was in its continuous cycle, the two branches of members became firmly entrenched – those engaged and involved and those who were not.

However, the focus of this thesis was the political impact of the majority group on Scrutiny. Therefore whilst deserving these two levels of members, it became apparent that there were many types of members participating within the process. This thesis has composed, based on these observations, the following typology of elected members within the Scrutiny process (Figure 26). Previous typologies into the role of the elected member have taken a broader outline to encompass the entire role of an elected member. This typology concentrates on this single new aspect for Councillors – that of the Scrutiny process.

It is expected that as Scrutiny continues to evolve, with members becoming more knowledgeable and accustomed to the process, then the process was benefit from this. Therefore, as the process develops it would be hoped that most of these types would disappear. At present, many of the types identified indicate that the political element is still evident within Scrutiny, despite all guidance urging this not to be the case.

During the research, the role, impact and motivations of those members dis-engaged from Scrutiny were studied. It was clear that *whilst they may not be active participants in the process, these members were still a presence in*

Scrutiny. They were still a pair of 'eyes and ears' watching and listening to discussions involving elected members of all perspectives. From observation it was clear this had an impact upon the actions and words of members from their own group and that of others.

Their presence at the meeting often deterred opposition members from being more direct in their challenge. Faced with more majority group members, opposition members often changed their approach since they recognised they were outnumbered. Even though these members often did not participate, they were influencing the process. Furthermore, since they tended to be experienced, older members their stature and presence often affected members' attitudes. Since they were perceived as the 'elder statesmen' of the Authority, it influenced newer members in particular, almost forcing them into a particular type of behaviour. The importance of informal 'rules of the game' that shape and influence the behaviour of less experienced Councillors was identified by Dearlove as being a very important control mechanism (1973). They tended to be of the mindset of defending the party group, and often constrained fellow members into this behavioural pattern. Therefore, *even if they did not participate, their mere presence helped shape the process.*

In the opinion of this thesis, Scrutiny had changed the role of the elected member for the better. However, they had to seize the opportunities for themselves, something many were struggling to come to terms with. The loyalty they had towards the group often hindered this role. Consequently this meant that Scrutiny and its subsequent aims and ambitions were likely to be in direct conflict with the power wielded by majority groups.

Figure 26. Typology of Members within the Scrutiny Process.

Identifier.	Description of Behaviour.
The Prototype	The proper 'scrutineer'. Forwards proposals and suggestions. Seeks to advance the process as much as is possible. Does not get drawn in political posturing. A strong, dependable member of Scrutiny.
The Rebel	Seizes the Scrutiny role and works within it independently of party allegiance. Does not seek to challenge automatically but is prepared to do so if it is deemed necessary.
The Great Pretender	A member that is vocal and talks about the need for Scrutiny's independence, but ultimately they tow the line set out by their leadership.
The Consensus Builder	More concerned with managing the process and making sure Scrutiny produces outcomes than seeking to restrict opposition groups, or attack Executives. Goes from meeting to meeting, seeks to limit arguments, unite members and keep the process on track. Not leading the process, instead managing it.
The Foot Soldier	Passive member. Offers very little contribution to the process and when they do it tends to be political statements since they see matters as between 'us' and 'them'. Prefers the Committee System. Can be relied upon by the leadership for loyalty and to tow the party line if necessary. Their presence influences the actions and attitudes of others.
The Conspirator	A cynical member who, without any real proof, believes that the process is being manipulated by the majority group, behind the scenes in order for Scrutiny to produce what they wish to see. On occasion their suspicions are correct, but on other occasions it is mere conjecture. Within Scrutiny, expresses this view frequently, thus failing to contribute constructively.
The Observer	Sits in contrast to the foot soldier since their mere presence at meetings has no bearing on the process whatsoever. Offers no or minimal contributions. Merely attends to keep their attendance levels up.

10. Concluding Thoughts.

10.1. The Majority Group and Scrutiny – Conclusions.

This thesis has demonstrated the numerous ways in which majority groups interact with the Scrutiny process. This chapter seeks to highlight the key findings made by this research.

The key findings made were;

- *The attitude of the majority group is the single biggest determinant of a successful Scrutiny process.*

This was found within all five Local Authorities. When the majority group were confident in their policies and approach, then they were willing to grant the Scrutiny process freedom. When they did this the process was more successful, and was closer to fulfilling its potential. This was particularly the case within Authority B, and also applied to a lesser extent within Authority A.

When the majority group were fearful of an independent Scrutiny process, that could prove a strong and robust challenge to decision-making, then they adopted a stance that limited this challenge. To varying degrees, this was the case within Authorities C, D and E, prior to it becoming No Overall Control in May 2005. As a consequence, the Scrutiny process was not proving as successful compared to those Authorities where they adopted a more positive stance.

Each of these Authorities were different in terms of structures, processes, Authority-type and demographics, yet the relationship between the attitude of

the majority group (and the role and success of the Scrutiny process) was the same across all Authorities. This became one of the key findings of this research.

When the Government created the new political arrangements they left a vacuum that allowed those in power to create a structure that they could place Scrutiny within, thereby determining the role it could perform. It is positive that the Government at least recognised the variety in the Councils and thus allowed them to shape their own structures in a way they felt would best achieve these goals and suit local circumstances. However, the Government's reasoning for this appears somewhat naïve, as it appears it left the opportunity for most majority groups to keep as much control over the process as they could wish. With a majority within the Council, groups were able to impose the system and structures that they wished. The party political aspect of Local Government was not satisfactorily addressed by the legislation. Therefore, whilst the legislation required a degree of fair play, this does not appear to exist in many majority groups. The consequence for the Scrutiny process of this naivety is that it leaves it vulnerable to those who do not wish to see it develop a robust process within Councils.

- *In the absence of a culture that facilitates a successful process, majority political groups tend to limit the potential, and independence of the Scrutiny process.*

Whilst the impact of the majority group was, without question, the single biggest determinant, what influenced this outlook was also an important factor. The research found that unless the context and background of the Authority

facilitated a positive attitude from majority groups then the tendency was for majority groups to control the Scrutiny process.

Within Authorities A and B, circumstances existed which were central to the formation of the perspective of the majority group. Authority B had a history of a dominant Labour group control, which allowed the majority group to be comfortable with their own members populating a largely independent Scrutiny process⁵⁶. This background also meant that opposition groups had a realistic perspective on the role they could expect to play in Scrutiny and pragmatic expectations of the process. They did not allow minor criticisms to impact negatively on their views⁵⁷.

Within Authority A, the background of No Overall Control facilitated a culture of co-operation, a necessary practice for effective Scrutiny. The Conservative majority group had worked alongside other groups under No Overall Control and had trust in their approach to Scrutiny. Whilst the process suffered through a lack of resources, the background shaped a positive attitude from the majority group⁵⁸.

In contrast, Authority C had recently had a change in political control. Both the principal groups believed they could win power and therefore Scrutiny became another venue for this political battle to take place. The Liberal Democrat majority believed the Labour group would use the Scrutiny process in order to make political capital as part of their campaign to win back power. In contrast, the Labour opposition group felt that the Scrutiny process was monopolised by the Liberal Democrat to minimise any prospect of the process scrutinising, and

⁵⁶ pp.166-167.

⁵⁷ p.148, pp.159-160.

⁵⁸ p.148.

possibly challenging their leadership. The bitterness between the two groups had a direct influence on the Scrutiny process⁵⁹.

Authority D had a strong background of Labour control, and therefore the Labour group were accustomed to wielding considerable power. The Scrutiny process, through relatively independent Chairs threatened this. Therefore when the process proposed recommendations they did not fully agree with, they used their majority to ensure that the final accepted recommendations were acceptable to them⁶⁰. The background of Labour control led to the Scrutiny process being assimilated into this political culture. The same was true within Authority E, where faced with a dwindling majority, the Labour Cabinet sought to control Scrutiny in order to limit any potential impact it could have upon them⁶¹. The political culture within the Authority led to the attitude and approach taken by the majority group.

- *There is a substantial lack of understanding and even fear of the Scrutiny process amongst leaders within majority political groups.*

At present Scrutiny is being limited by majority groups when they fail to appreciate its role. Predominantly, Scrutiny is only having successes when the majority group accepts their outcomes. This effectively dilutes the process; Scrutiny has become assimilated into the way of the Authority prior to the new arrangements. In this sense, there is no real 'break' from the past. A lack of knowledge of Scrutiny usually results in a fear of the process developing. When Leaders are fearful of something they, as this thesis has shown, they seek to limit its impact, and seek to steer it in directions they are comfortable with.

⁵⁹ pp.192-193.

⁶⁰ pp.214-215.

⁶¹ pp.224-226.

The leaders of Councils claim to support Scrutiny and its existence, but from the research, it is clear that they believe that it should only carry out what they wish. This is a view that fails to recognise the purpose and value of Scrutiny. The leaders believe that they alone should have the right to develop new policies. Through elections they have been elected to take decisions and make policies on behalf of the public. However, they fail to recognise that Scrutiny can work alongside this form of decision-making if it is allowed to review existing policies and take on a more robust challenge role.

However, as this thesis has shown, Executives are wary, and in some cases afraid, of challenge. Therefore what else is available for Scrutiny but the ability to develop policies, a process, which Executives feel, is their right.

Consequently, they attempt to steer the policy development of the Scrutiny process towards issues and outcomes that they concur with. This means Scrutiny effectively becomes more like Policy Sub-Committees. Therefore, the lack of awareness from those in the majority prevents it becoming strong, and leads to the dissatisfaction and disillusionment of members within the process.

Those members who are Leaders of Councils obviously tend to be more experienced, and are often more likely to recall their power under the Committee System. This reflects the mindset that they brought into Scrutiny. The process they were accustomed to, and familiar with, saw them being compelled to force members into recommending a course of action.

Whilst training is available for members of Scrutiny, this has tended to be the only group targeted for training in Scrutiny⁶². Whilst it is important that this is continued (since lack of engagement remains a problem⁶³) *the research has found that more should be done to allow those members who are not part of Scrutiny, who set the context for it's work, to develop a better understanding.* At present there is little or no training for these Councillors and indeed there appears no impetus or will for them to undertake any training. This is a problem. Within Councils it seems that people are afraid, be that because of experience or seniority to tell these members it is essential that they have a good understanding of the Scrutiny process. Until they do appreciate it as fully as those within the process itself, Scrutiny will only ever achieve what the leading group wishes it to, and predominantly this leads to a limitation of its potential.

- *When Opposition groups are allowed to have a stake in, or lead the Scrutiny process, the system is more likely to be successful.*

The cases of Authority A and Authority E demonstrated that when members of the opposition were leading the Scrutiny process the process adopted a more pro-active stance⁶⁴. Under majority group chairs within Authorities C and D, Scrutiny lacked a strong drive to take on tasks such as scrutinising decisions and overcoming the apathy and confusion of several members. Chairs feared to challenge and be independent from their own group leaders. Furthermore, these leaders left Chairs in no doubt as to the path the Executive wished them to pursue. If they did not behave in this way then leadership would use their majority to impose its will on the outcomes of the process. However, it needs to

⁶² Is a lack of training for members a difficulty for Scrutiny?
(All Members) Yes 21% No 57% No Answer 22%.

⁶³ Is there a lack of member engagement?
(All Members) Yes 48% No 36% No Answer 16%.

⁶⁴ pp.268-269, pp.289-293.

be said that the Scrutiny process can still work positively with majority group Chairs, as was observed within Authority B⁶⁵. But this requires a rare set of circumstances, as was seen in Authority B, for this to work. It is the exception rather than the rule.

Put simply, opposition chairing allows for a clear demarcation to exist between the Executive and the Scrutiny process. Such a move means that there is more interaction between the Executives and Scrutiny, which facilitates learning and a greater understanding of the role that each can play. This was particularly the case in Authority E after the 2005 elections, where previously the Cabinet was reluctant to be involved with Scrutiny and take on board its work. Following the elections, they had no alternative – Scrutiny had to be considered. But as they began to experience and engage with the process, they found it was not as bad as they had feared it to be⁶⁶. When Scrutiny and the Executive cooperated, as they did in Authorities A, B and post-election E, the experience was positive. This did not appear to be possible under majority group Chairs.

- *The Scrutiny process requires many factors in its favour to allow it to succeed.*

Scrutiny, internally, does have several issues it needs to address such as the knowledge, understanding and willingness of Councillors to get involved. This research has shown that not only are majority group members more unwilling to act independently from their own leadership but are less minded than opposition members to attempt to tackle the internal problems of Scrutiny. If

⁶⁵ pp.155-171.

⁶⁶ pp.236-237.

they are leading the process, then these difficulties can negatively impact on the system and very often will not be addressed.

From the five diverse examples studied within this thesis, it is clear that Scrutiny is a complex and fragile process. The factors required to make Scrutiny a success are detailed at Figure 24 and it is clear that it is a major challenge for Local Authorities to make the process a success. All five Authorities did have positive outcomes of the process, despite the limitations placed on it. This shows the huge potential of Scrutiny, but yet its promise was still not being fully achieved. A significant amount of time and effort remained wasted due to the attitudes of Council leaders. If the majority group adopted a positive and open stance then the chances of the Scrutiny process proving successful increases significantly.

10.2. The Scrutiny Research Agenda.

On the whole, the process is struggling, despite several positive outcomes in every Authority. *However, this research has added to the current knowledge through highlighting the key problem of the role of the majority group in Authorities devoid of particular circumstances that assist Scrutiny.* When Scrutiny has the ability to operate independently, either through opposition chairing or as a consequence of No Overall Control, the Scrutiny process possesses a much greater prospect for improvement.

After considering the findings of this thesis, further research could focus specifically on the Scrutiny process in No Overall Control Authorities. In particular it could compare the single minority group type seen in this research, with other types such as an administration constructed through a political

coalition of two (or more) groups. Such a coalition would be an interesting focus for research since these groups would be dependent upon each other to maintain this majority. Since the policies come from two viewpoints, it would be interesting to observe the impact of this on the Scrutiny process. It would then be possible to compare these findings alongside the findings made about the type of No Overall Control Authority studied within this thesis.

As was observed in this research, it was detectable that some attitudes were beginning to change and were becoming more in tune with what is required for the Scrutiny process. Since the process itself is still just over five years old, it is likely that many members in leading positions can recall and indeed prefer the traditional Committee System. Yet, it was apparent that the attitudes of many elected members had changed and others were beginning to do the same. As they experienced the Scrutiny process they were beginning to understand how the process was structured, as well as its aims and intentions.

Therefore, future research could aim to further update the work of this thesis in relation to the evolution of attitudes to Scrutiny. Furthermore, further research could also examine the constraints involved in the policy development role or in the role of challenging and scrutinising decisions. These are the two major roles that Overview and Scrutiny functions in the UK are engaging in. The aim of future research could be to identify the barriers facing Local Authorities in either of these areas. The research could seek to develop advice for Local Authorities to assist in developing these roles to their maximum potential.

The recent Local Government White Paper '*Strong and Prosperous Communities*' claims that the Government shall strengthen the process of Overview and Scrutiny (2006, p.9). They offer the hope that new powers shall

be added to the Scrutiny process to assist it, in their subsequent legislation. Once the legislation is forthcoming, it would be worthwhile for any Scrutiny research agenda to consider the application of any new powers and focus for Overview and Scrutiny.

However, since the majority of the research on Overview and Scrutiny has produced similar findings, it can be argued that new opportunities for research are limited. Therefore, it would be worthwhile to conduct an ethnographic study within one (or more) Local Authorities tracking the changes and development of the Scrutiny process over time. Whilst this thesis has presented a snapshot in time of Scrutiny within Local Government a few years after its introduction, such a study could present a different perspective on the dynamics of the process. In particular, it could look at the changes that Scrutiny produced and the impact of this on the work of elected members within this process.

10.3. Postscript.

With their legislation in 2000 the Government had aimed to create structures within Local Government that would lead to much higher levels of transparency, accountability and efficiency (ODPM, 1998, p.19). In creating Overview and Scrutiny, a process that allowed streamlined decision-making to take place, the Government arguably chose the best method to do this. Whether it was an afterthought after stronger, more concentrated decision-making was rejected, or whether it was shaped purely on the experience and template provided by Parliamentary Select Committees is irrelevant. The establishment of Overview and Scrutiny gave Local Authorities the opportunity to provide transparency and accountability but did not seek to limit them solely to this.

It became apparent relatively quickly that Scrutiny across the United Kingdom had very few limits placed on it by the legislation. It presented a huge opportunity for Local Authorities to shape Scrutiny towards their own needs and desires. Unfortunately this only appeared to emerge due to a lack of Government prescription, which suggests that the role of Scrutiny was broadened as Council's began to get to grips with it. However, it is clear that elected members already believed firmly that the challenging of decisions made would be their primary role.

Unfortunately, this lack of prescription meant that majority political groups did not have to change. Predominantly, research has proven that they have not done so unless they are exposed to the process (be that through having no option, as in Authority E, or voluntarily, as in Authority B). The majority groups tend to keep the Overview and Scrutiny process at a distance and consequently are largely guided by their perceptions (even prejudices) about the process. These, as was shown in this thesis, are often misguided and inaccurate. When Executive members engage with Scrutiny, they find the process is not as daunting as they expected.

The Government themselves felt that the single-party monopolies on power (Stoker, 1991, p.55) were part of the problem with local democracy. However, this research has shown that the introduction of the Executive-Scrutiny model has not solved the problem of political dominance. It still remains the single biggest obstacle to the Scrutiny process fulfilling its potential. The Government failed to tackle this. Only when the Authority is more politically balanced does Scrutiny begin to break down these boundaries. Therefore, the introduction of proportional representation for Local Government elections might produce this

greater balance and the greater potential for Scrutiny to fulfil its stated aims. Scrutiny's ability to adopt innovative methods could also even serve as a strategy that sees an increase in participation in Local Government.

The adoption of proportional representation for local elections is arguably the most feasible step for Central Government to take. As was noted within the literature review, it is difficult for the Government to intervene with a solution, due to the uniqueness of each Authority. However, proportional representation would potentially bring to an end the single-party dominance which, as was seen in this research can very easily hinder an independent process of Scrutiny.

However, even if proportional representation was introduced, this research has highlighted a number of other factors which can impede the full effectiveness of the Scrutiny process. Therefore, Local Authorities can only continue to provide the context needed for effective Scrutiny. Central Government needs to consider its role in assisting Authorities produce the correct environment for Scrutiny to flourish.

Central to such a change has to be the attitudes of the political groups and the leaders within the Authority. Of the case studies, Authority B demonstrated how a positive attitude from the top could lead to strong Scrutiny. In contrast, Authorities C, D and E (pre-2005), to varying degrees showed how a perspective that did not seek to grant Scrutiny what it needs to thrive, can limit its impact.

The October 2006 White Paper (Department of Communities and Local Government, 2006) acknowledged that Scrutiny had failed to make the impact it could have (2006, pp.57-58).

In the Paper the Government made numerous pledges to strengthen the role of Scrutiny. In particular, this relates to the external role of Scrutiny. The ability for a 'Community Call for Action' (2006, p.19), enabling Local Authorities to compel further compliance with the process from those organisations within the local community, was a positive step. The Government also made reference to the policy development role, encouraging its *"greater use ... allowing local councillors to advise the Executive and ensuring local perspectives influence decisions."* (2006, p.59). Unfortunately the Government did not put much emphasis on the element of scrutinising, ignoring the principal role members wished Scrutiny to engage in.

Within the White Paper the Government, once again, advocates their preference for single figurehead leadership in Local Authorities (2006, p.20). However, based on the experience of this research, strong central control in Councils is actually more likely to produce a weaker system of Scrutiny.

Similar to within the Local Government Act 2000, the Government is failing to acknowledge and address the 'political' issues of Scrutiny. The potential for Scrutiny to become more community-based was arguably already in place such as the lack of regulation in the Local Government Act 2000. Indeed, this thesis has demonstrated that Councils were already using the process to engage their community. However, if this becomes the primary focus for Overview and Scrutiny alongside a strengthened policy development role, then what time if any will be left to actually monitor decisions made? This thesis, as well as

previous research has highlighted the time constraints involved within Scrutiny (Cole, 2001, p.244, Stewart, 2003, p.89). If these were to become the principal roles for Scrutiny then there would be very little time to monitor decisions made. This is of concern with the Government reigniting the debate over further centralisation of power in Local Authorities (2006, p.10). The more power is centralised, the more essential a system that scrutinises decisions becomes.

Centrally, political groups can, and indeed do, urge its members to approach Scrutiny in an independent, non-political way. However, the reality of local politics makes it virtually impossible for them to do any more. All that can be recommended is further encouragement and a repeating of the message about the spirit of the Executive-Scrutiny divide.

Perhaps the message from this research has been somewhat pessimistic, and this could be explained as being a consequence of the fact that the transition from the Committee System is still in process, at least in the mind of many elected members;

"We're in the transitional decade between the scrapping of an old system and the introduction of Scrutiny and we often forget we're only a few years into it. Members of the Cabinet can still remember what went on under the Committee system and the power they wielded."

(Elected member from within Authority D)

However, one would have to question whether this would change. The political elites are still very much in control of Councils and despite the attempt to make Scrutiny non-political, the majority clearly are of the view that Scrutiny is a political arena and seek to use their traditional methods to maintain control. In addition, many elected members are still reticent to speak freely within Scrutiny for fear of incurring their leader's wrath. Combined, these tactics hinder the full

effectiveness of Scrutiny. Unfortunately, it appears that Central Government does not appear to wish to tackle this problem at all. In their recent White Paper, they claim that *“healthy political parties at the local level also have an important role to play here”* (2006, p.21) but yet offer no advice or guidance on how to ensure that they are healthy and fit for modern Local Government.

As a final word of caution, it is perhaps important to remember that the Scrutiny process itself is still relatively young when placed within the entire history and context of Local Government. But at what point does this explanation no longer apply? Members need to eventually change their attitudes, otherwise the ‘window of opportunity’ that exists to make Local Government a system of Government which will engage the community and achieve transparency and accountability, will close. At this point, *Overview and Scrutiny is achieving outcomes and is making a difference. Although in light of the aims of the process, it appears to be hindered not by its own membership but by those within the leadership of Local Authorities who fail to recognise the need to modernise and move on.*

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Appendices.

Appendix 1. The Final Questionnaire with Covering Letter.

Dear «title»

I am writing to you to ask your assistance in my PhD into Overview and Scrutiny which is including an investigation into Overview and Scrutiny at <<COUNCIL>>, by completing the attached questionnaire.

This research has been approved by <<RELEVANT COORDINATING COMMITTEE>> and I shall be providing a summary of findings for the <<COMMITTEE>> once this has been completed. The questionnaire is part of a wider body of research taking place, including interviews and meeting observation which shall be commencing in the near future.

The questionnaire is **strictly confidential**. Only I shall have access to any of the answers that you provide. The research is looking at the nature of political behaviour within Scrutiny.

Please can I ask that you return the completed questionnaire by <<DATE>> in the enclosed pre-paid envelope.

Many thanks for your time.

Best wishes.

Paul Hopkins.



Centre for Public Policy

Overview and Scrutiny Members Survey.

This questionnaire is part of an evaluation of Overview and Scrutiny being conducted for my PhD research. This research is investigating the relationship between different political majorities and Overview and Scrutiny across the North-East region.

The purpose of the questionnaire is to obtain information that will allow me to analyse different political majorities within local Councils and their impact on Scrutiny processes and outcomes.

When you are completing this questionnaire I would like you to consider how you personally feel the Overview and Scrutiny process has been constructed and operates within your local Authority, the impact political parties can play on the Scrutiny process as well as any additional views you may have.

Could you please complete the questionnaire and return it to me by <<INSERT DATE>> in the reply paid envelope. The information you provide will be kept strictly private and confidential, shall only be used in the purpose of my research and only I shall have access to the answers you provide.

Thank you for your assistance in this research.

Paul Hopkins.

Section 1. Personal Details.

1.1 For how long have you been an elected member?

	Years	Months
This Authority		
Overall (if different)		

1.2 To what political affiliation do you belong? (tick one box only)

Conservatives	
Greens	
Independent	
Labour	
Liberal Democrats	
Other (please state)	

1.3 Are you a chair/vice chair of a Scrutiny panel? (tick one box only)

Yes		If no, please go to question 1.5
No		

1.4 Are you an Opposition member? (tick one box only)

Yes	
No	

1.5 What is the remit of your Committee?.....

Section 2. Basic arrangements within your Council.

2.1 What do you think about the Scrutiny arrangements in your Council?
(tick all that apply)

Overall, is Scrutiny working well?

Yes	No

Which of the following works well?

Cross-party working
Positive outcomes
Public engagement
Use of external sources of information/expertise
Greater member involvement
Greater member knowledge
The monitoring of recommendations
Officer/Member relations

What, in your opinion, are difficulties within Scrutiny? (tick all that apply)

Confusion over power and role of Scrutiny
 Culture/attitudes of committee system still prevail
 Do they fail to engage the public
 Increases in workload
 Lack of Councillor engagement
 Lack of resources
 Lack of status within the Council
 Lack of training for members
 Party politics
 Unreceptive Executive

Yes	No

Please detail any other comments or views you have on the Scrutiny arrangements below.

2.2 How are Scrutiny Chairs/Vice-Chairs appointed in your Authority?
 (tick one box only)

Proposed by
 Party
 Elected
 Don't Know

By whom?.....

2.3 Are members placed in Scrutiny panels in your Authority?
 (tick one box only)

Yes
 No

2.4 Do all non-Executive members serve on at least one Scrutiny panel?
 (tick one box only)

Yes
 No

Section 3. The role of Scrutiny.

3.1 Has Scrutiny been used for developing recommendations for future policies?

(tick one box only)

Yes

No

Don't Know

3.2 Has Scrutiny been used for conducting retrospective policy reviews?

(tick one box only)

Yes

No

Don't Know

3.3 Thinking about the balance, do you think; (tick one box only)

More time has been spent developing recommendations?

More time has been spent on retrospective policy reviews?

Activities have been balanced between the two?

3.4 Have any recommendations made by Scrutiny become part of your Council's policies? (tick one box only)

Yes

No

Don't

Know

Please go to

3.5

Please go to

3.6

If yes, to what extent do you think they have been incorporated into Council policy?

Please give any examples you have.

--

Now please go to Question 3.6.

3.5 If no Scrutiny recommendations have become part of Council policy, then why do you think this is?

--

3.6 Has Call-in ever been used in your Authority? (tick one box only)

Yes

☐

Please go to Question 3.7.

No

☐

Please go to Question 3.11.

Don't Know

☐

Please go to Section 4.

3.7 How did Call-in impact upon Scrutiny's relationship with the Executive/Cabinet? (tick one box only)

Relationship Improved

☐

Relationship Remained the same

☐

Relationship Deteriorated

☐

3.8 How do you feel the call-in process worked?

3.9 Do you think Call-in has ever been used purely for political purposes to undermine the ruling political group? (tick one box only)

Yes

☐

No

☐

3.10 If call-in has not been used, then why do you think this is?

3.11 Do you consider the Call-in process in your Authority to be thorough? (tick one box only)

Yes

☐

No

☐

Section 4. Political Issues in Overview and Scrutiny.

4.1 In general, what does your party think about the Scrutiny arrangements in your Council? (tick one box only)

They are in favour

☐

They see it as an obstruction

☐

They are indifferent towards it

☐

4.2 What kind of approach does your party group encourage you to adopt within Scrutiny? (please tick all that apply)

Co-operative

Critical of other parties

Freedom to express your views

No particular approach encouraged

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

4.3 Please give any other comments on the approach your party group encourages you to adopt within Scrutiny;

--

4.4 Do you feel that party politics play a role within Scrutiny?
(please tick all that apply)

Do members view issues politically
As a chance to attack the Executive or Cabinet
As a chance to defend the Executive or Cabinet
Does party politics weaken Scrutiny

Yes	No

4.5 Is Scrutiny discussed within your party group? (tick one box only)

Always	<input type="checkbox"/>
Frequently	<input type="checkbox"/>
Occasionally	<input type="checkbox"/>
Never	<input type="checkbox"/>

For the following questions, please indicate your level of agreement with these statements (please tick one on each line).

	Strongly agree	Agree	Don't Know	Disagree	Strongly disagree
4.6 "I have been instructed by my party on how to vote in Scrutiny."					
4.7 "What I say within Scrutiny is monitored by my party"					
4.8 "I have not been instructed to, but feel I have to operate within party politics when in Scrutiny."					

Section 5. Relationship with the Executive/Cabinet.

5.1 Do you feel there is a good working relationship between Scrutiny and the Executive/Cabinet? (tick one box only)

Yes

No

Don't Know

5.2 Do you feel Scrutiny sufficiently challenges the Executive/Cabinet? (tick one box only)

Yes

No

5.3 What impact do you think Scrutiny has upon the Executive/Cabinet (and why)?

--

5.4 In your opinion, has the Executive/Cabinet ever sought to influence the outcomes of the Scrutiny process? (tick one box only)

Yes	
No	

If yes, please give examples below.

--

5.5 Do you feel the Executive/Cabinet actively seeks to involve Scrutiny in policy review and development? If yes, please give examples.

--

5.6 Do you feel the Executive/Cabinet see Scrutiny as; (please tick all that apply)

A positive part of Council business

An unnecessary restraint on effective decision-making

A largely irrelevant part of Council business

Don't Know

Yes	No

Section 6. Overview and Scrutiny in General

6.1 Do you feel the Overview and Scrutiny arrangements have improved your Council policy-making and decision-making? (tick one box only)

Yes

☐

No

☐

6.2 Do you think decision-making is; (tick one box only)

More accountable

More transparent

More inclusive

Do you think the final decisions and policies are better

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

6.3 In your opinion what is likely to happen to Overview and Scrutiny in the next 2-5 years? (please tick all that apply)

Will it improve

Will it integrate further into Council business

Will it remain as it is

Unsure about how it will develop

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

6.4 What do you think would improve Overview and Scrutiny in your Council?

Thank you for taking the time to answer these questions.
Please return your completed survey in the pre-paid envelope provided to:

**Centre for Public Policy, School of Arts and Social Sciences,
Northumbria University
Newcastle-upon-Tyne, NE1 8ST.**

Appendix 3 - Topics included on the interview guide and why.

Topics included.	Reasons for inclusion.
Length of time as a member	Easy introductory question. Also, it would assist the interviewed further on the kinds of questions they were free to ask.
Views on Scrutiny when proposed	Gentle question to begin the interview. This would be concerning Scrutiny in general, rather than the specific Authority. Would allow the researcher to be able to ground the interview from the view the member has on Scrutiny. Subsequent questions could be tailored in light of this perspective. It would allow probing of this view before neatly moving onto the next topic.
Condition of Scrutiny in the Authority	Moving specifically onto the Authority in question. A broad question designed to introduce discussion concentrating on the Scrutiny function.
Achievements/Impact of Scrutiny	Served as a route to introduce the success of the Scrutiny function. This would allow the interviewee to explain in-depth what they feel works and why, as well as the impact that Scrutiny is making within the Authority. It would also allow the researcher to explore which elements of Scrutiny had worked and why.
Difficulties with the Scrutiny system	From a participant's outlook, it would allow the researcher to understand what frustrations and problems exist for Scrutiny.
Participation/interest amongst members	A key finding from the literature is the dis-engagement and dis-satisfaction many have with the Scrutiny system. This would allow the researcher to tap into these views, from a members' own perspective. If the member themselves were not dis-satisfied then it would be useful to question them about the feelings their fellow members have.
Impact on the role of the elected member	A key aim of the research was to assess the impact on the role of members. The literature demonstrated the different typologies in existence, but this would allow an analysis of this issue from the perspective of the member. Had Scrutiny meant a re-shaping of the role and did they feel this was a move for the better?
The members' own groups approach	This would explore how the members' own groups approached and viewed Scrutiny. Is Scrutiny important to the group? How do they see Scrutiny as working? What is their recommended approach to their members (if at all)?
The other groups' approach to Scrutiny	A difficult topic to introduce since it is hard for a member of a different group to comment on the approach of others. However, it was useful since it would allow the researcher to understand the perception the different groups have of each other and compare them to the approach they pursue.
Relationship with Cabinet/Executive	To explore the interaction (if any) Scrutiny has had with the Executive and how this has been seen by the member. Is Scrutiny recognised as valid or as a nuisance? How has any challenge been received? Do they involve Scrutiny or ignore it?
The structure of Scrutiny	The members' own views on the structure of Scrutiny within their Authority. Introduced as recognition of the wide variety in existence across the country. It would assist in determining the impact of this on Scrutiny.
Role of Chairs and Vice-Chairs	This would explore the positions of power within Scrutiny. It could also explore the political nature of the chairmanships and the interviewees' views on this and the performance of those holding these roles.

How could Scrutiny be improved (if it could)?	The last topic to be discussed. Would serve as an effective way to bring the discussion to a close.
Any other comments or questions?	Served as a reminder to the researcher to allow the interviewee to conclude the interview with any other remarks or questions that may be of use within the research. It was felt this could allow issues not covered within the interview to emerge.

Appendix 4 – Complete list of questionnaire mailing dates.

Questionnaire number	Authority	Date despatched	Return date on questionnaire	Total returned
000001-000040	A	18 th October 2004	9 th November 2004	14/34 at this point
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000081-000120	C	10 th January 2005	28 th January 2005	11/37 at this point
000121-000180	B	8 th December 2004	23 rd December 2005	6/51 at this point
000181-000240	B	10 th January 2005	14 th February 2005	13/51 TOTAL
000241-000280	A	10 th January 2005	7 th February 2005	22/34 TOTAL
000281-000320	D	10 th January 2005	7 th February 2005	22/36 TOTAL
000321-000370	C	4 th February 2005	25 th February 2005	17/37 TOTAL
000371-000420	E	1 st August 2005	2 nd September 2005	8/44 at this point
000421-000470	E	5 th September 2005	30 th September 2005	13/44 TOTAL

Appendix 5 – Observation Schedule.

Council.....

Committee.....

Date.....

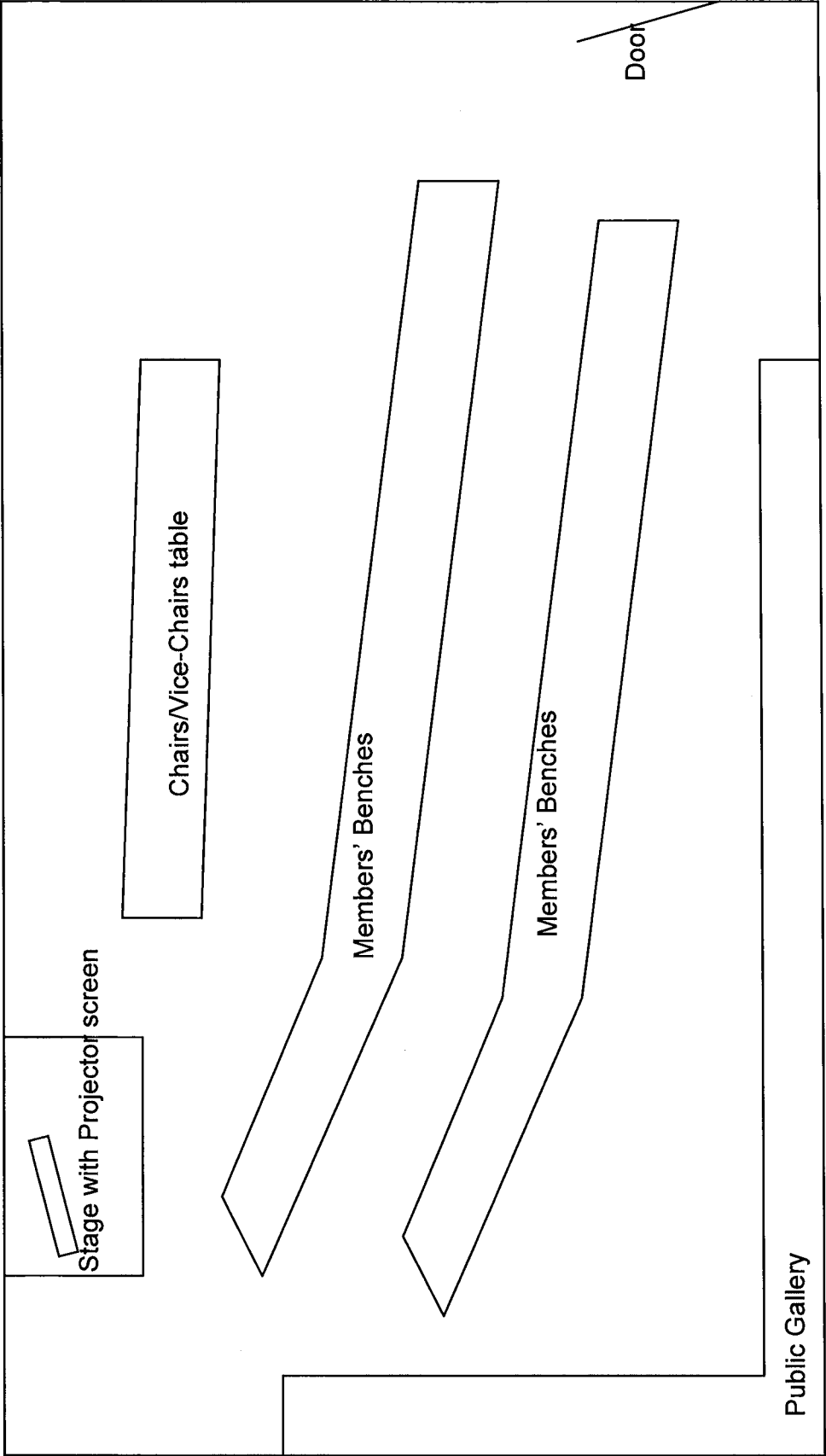
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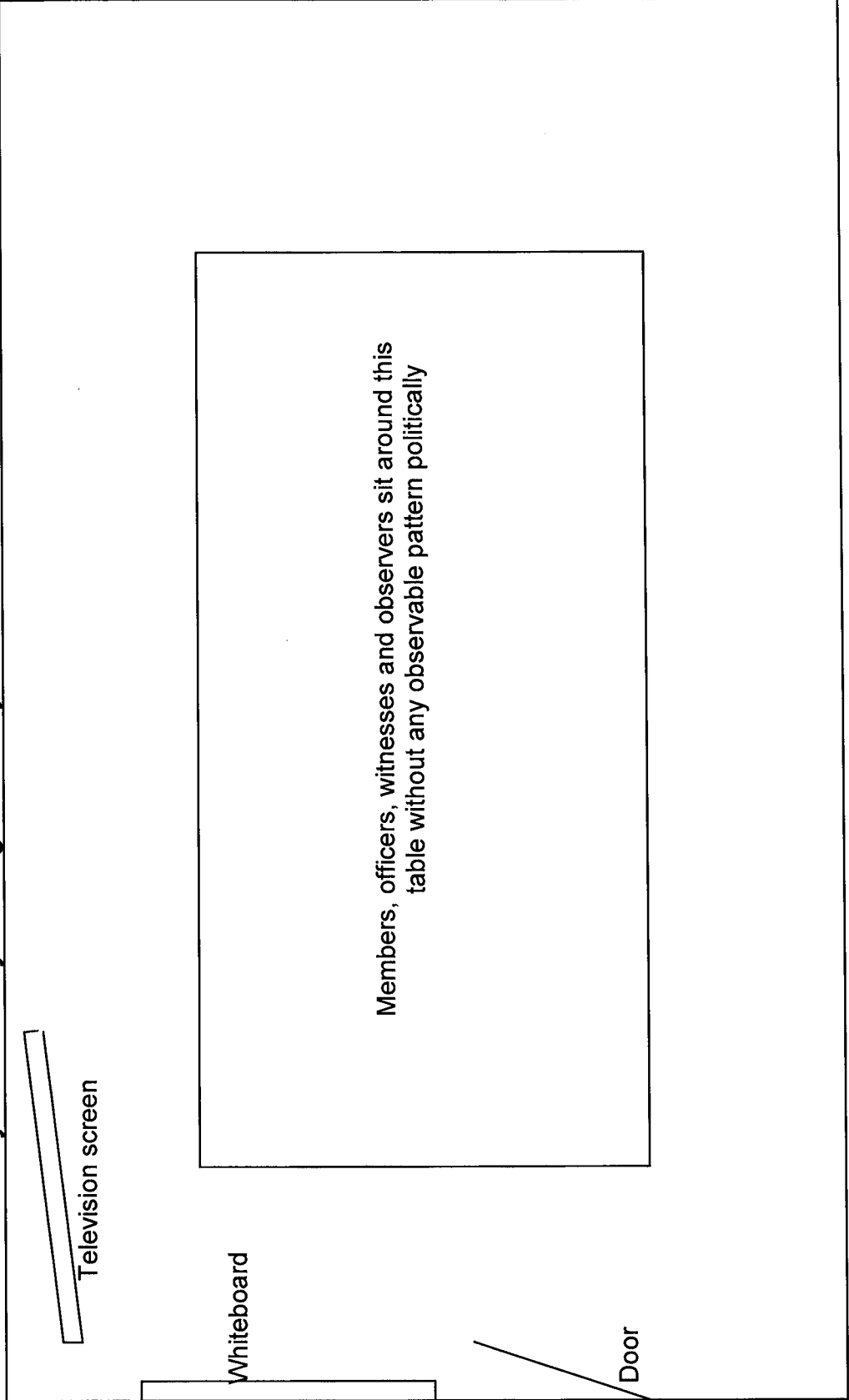
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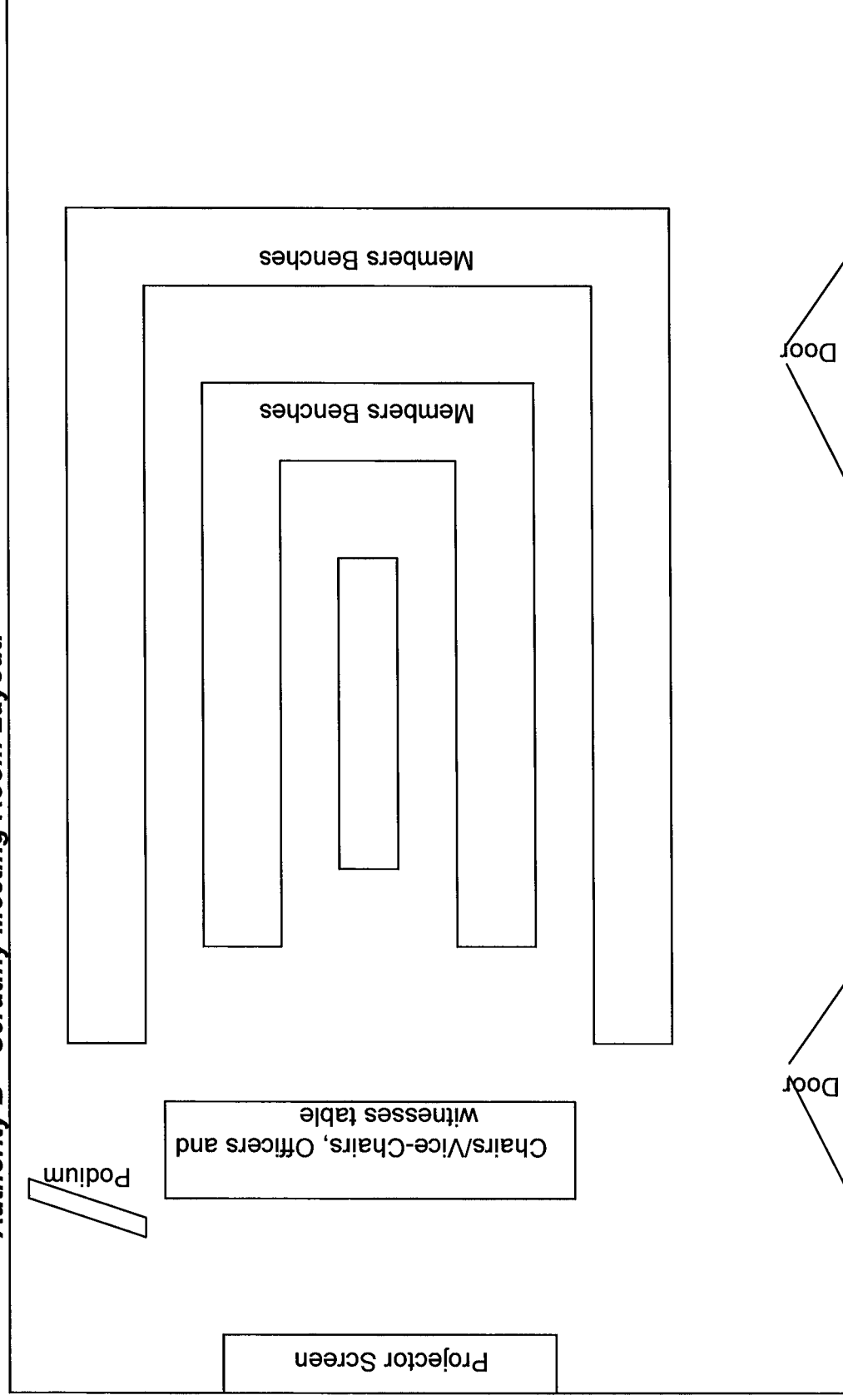
**Appendix 6 – Case Study Authorities - Scrutiny Meeting Room Layout.
Authority A.**



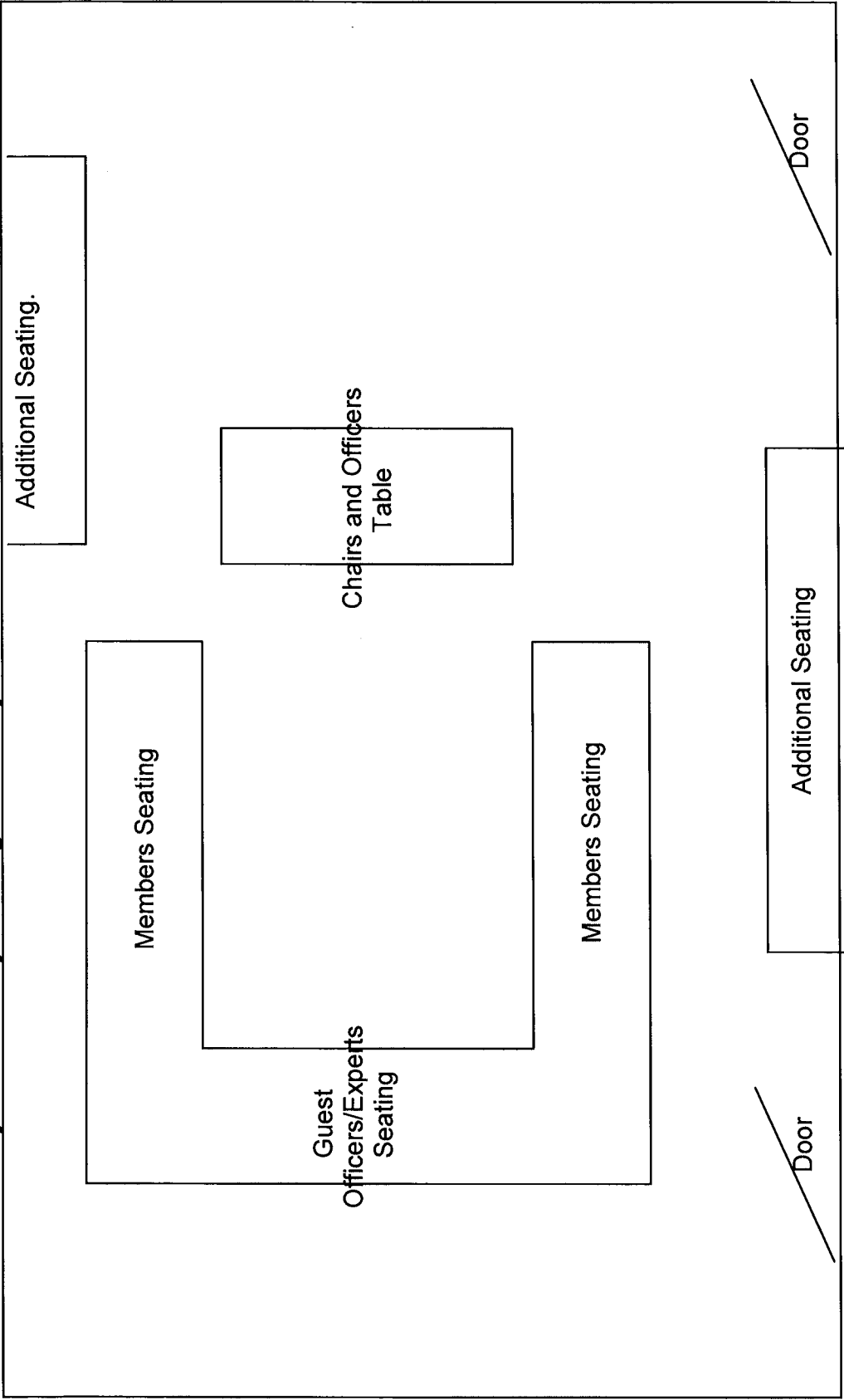
Authority D – Scrutiny Meeting Room Layout.



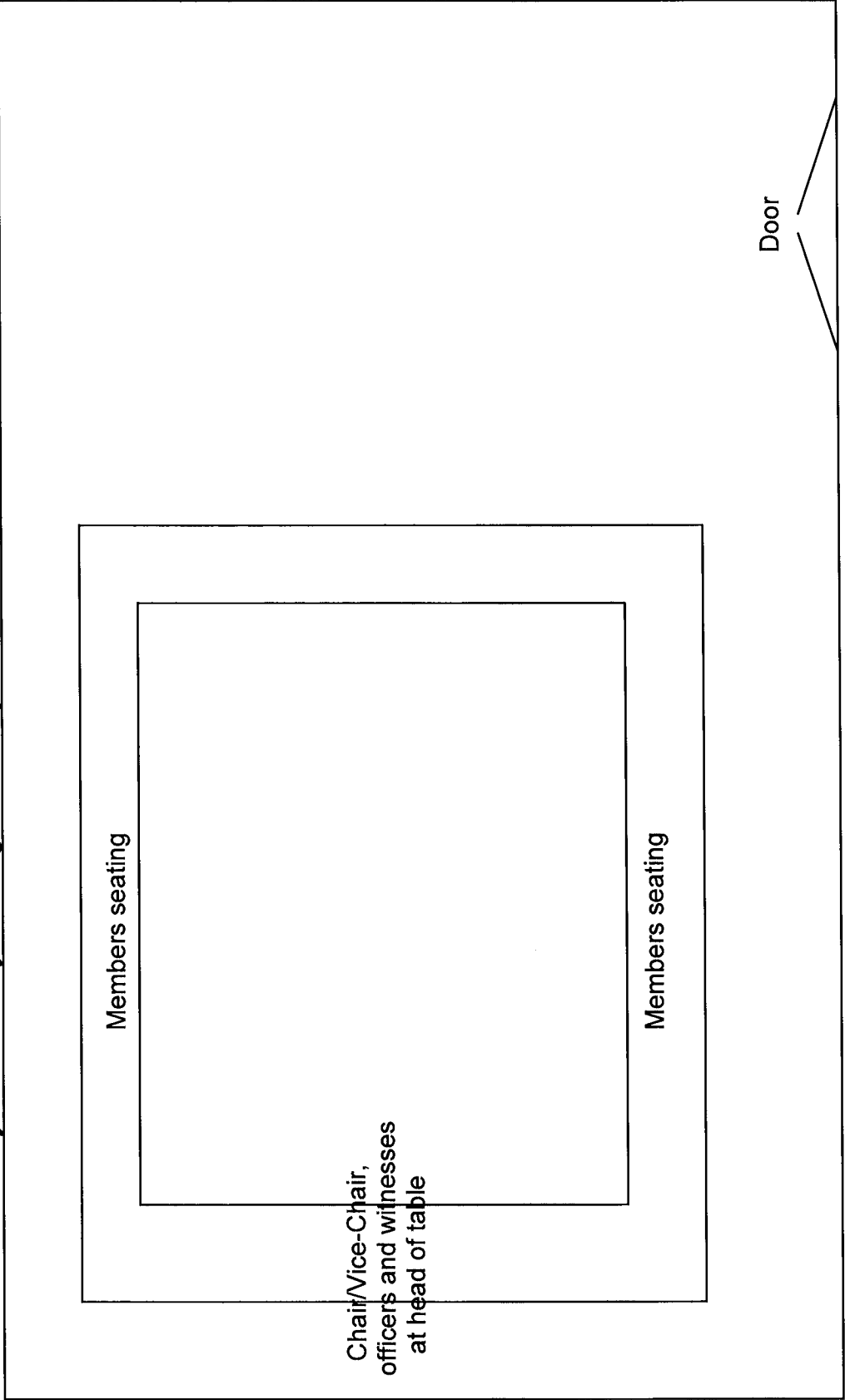
Authority B – Scrutiny Meeting Room Layout.



Authority C – Scrutiny Meeting Room Layout.



Authority E – Scrutiny Meeting Room Layout.



Appendix 7 – Categories used for analysis in each local Authority.

Authority.	Categories.
Authority A	<ul style="list-style-type: none"> ◇ Failure to move with the times ◇ Lack of focus ◇ Too slow ◇ Lack of outcomes ◇ What do these Special Advisors do? ◇ Lack of accountability ◇ We lack resources and support ◇ Difficult to adapt ◇ Happy to do external ◇ Good at getting people involved ◇ Good working between members ◇ We work around the edges ◇ Too many presentations ◇ Feel talked at ◇ We're improving ◇ Overview works well ◇ Call-in experimental ◇ The process is too restrictive ◇ Our group is supportive of the process ◇ Good Chairs and Vice-Chairs ◇ Lot of members don't understand Scrutiny ◇ We work together for the people
Authority B	<ul style="list-style-type: none"> ◇ Strong Leadership in Scrutiny ◇ Good relationship with Cabinet ◇ Strong officer back-up ◇ Knowledgeable members ◇ Inclusive approach ◇ Use of co-optees ◇ Arguments sorted in group ◇ Scrutiny gives a pooled view ◇ We're our own master ◇ Major problems early on ◇ We make no distinction based on group ◇ Scrutiny could make life uncomfortable but they tend not to ◇ Adds to the credibility of the Council ◇ Call-in was beneficial ◇ We have a non-political environment ◇ We've made a real difference ◇ Integral role played by officers ◇ Everyone enjoys it ◇ We are strongly led
Authority C	<ul style="list-style-type: none"> ◇ Unreceptive Executive ◇ Aggressive Opposition ◇ Good Officer Support ◇ Some success ◇ Executive Member Advisory Panel's (EMAP) takes away

	<p>ability to challenge</p> <ul style="list-style-type: none"> ◇ Some members fail to understand ◇ Some members think politically, especially after EMAP ◇ Lacks huge amount of influence ◇ We lack resources greatly ◇ We have too many panels ◇ Scrutiny isn't a good platform to advance an idea ◇ Its seen as secondary to EMAP's ◇ Meetings are held at difficult times for everyone ◇ We are still evolving how Scrutiny is working here ◇ We can test out ideas and take our time to consider evidence ◇ Consensus should be possible ◇ Our group is supportive of the process ◇ We should be doing more ◇ The Cabinet is very unsure of itself ◇ If we do non-contentious issues its easier ◇ We tend to investigate areas chosen by the ruling group ◇ Good work with outside organisations ◇ We only ever look at the future, not past ◇ We will improve in time
Authority D	<ul style="list-style-type: none"> ◇ Wary/afraid Leadership ◇ Strong Chairs ◇ Good officer support ◇ Doesn't do well on challenge ◇ Tolerated by Cabinet ◇ Mis-understood by Cabinet ◇ Strong officer support ◇ Members and officers work well together ◇ Need to improve our monitoring procedures ◇ We are making a difference, only the timescales are longer ◇ Call-in would threaten the good cross-party working ◇ Our group is supportive and interested in the process ◇ Some members do see things politically ◇ Quality depends on those involved ◇ Smaller, focused groups work better ◇ Scrutiny is quite honest here ◇ Strong leader of the process and good Chairs ◇ Chairs are afraid to challenge their own party ◇ Made real improvements to policy and practice ◇ Some are so ingrained in the committee system ◇ Some majority members don't like opposition groups having an input ◇ Opposition groups are allowed to be in any position of responsibility ◇ Those involved are beginning to have faith in the system ◇ We don't look at things that would be too political ◇ We are taken seriously within the Council ◇ We will get better in time
Authority E	<ul style="list-style-type: none"> ◇ Previously little consideration ◇ Lack of focus

	<ul style="list-style-type: none"> ◇ Topics went on too long ◇ Elections changed Cabinet attitude ◇ Chairs going to opposition groups was key ◇ Valuable support from officers ◇ Within Committees members work well together ◇ We very often lacked any outcomes ◇ A lot of members don't know what they're doing ◇ The culture is now changing ◇ A lot of the Scrutiny has been connected with organisations outside the Council ◇ The grounds for call-in are tightly defined ◇ Our group is in favour of having Scrutiny ◇ Within Scrutiny the politics isn't really evident ◇ We're given free rein within Scrutiny ◇ We do get listened to ◇ We need to be on the same page as Cabinet, heading in the same direction ◇ Some officers within the Council remain difficult ◇ We are maturing ◇ Very little follow-up ◇ Our administration is defensive
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How could Scrutiny be improved (if it could)?	The last topic to be discussed. Would serve as an effective way to bring the discussion to a close.
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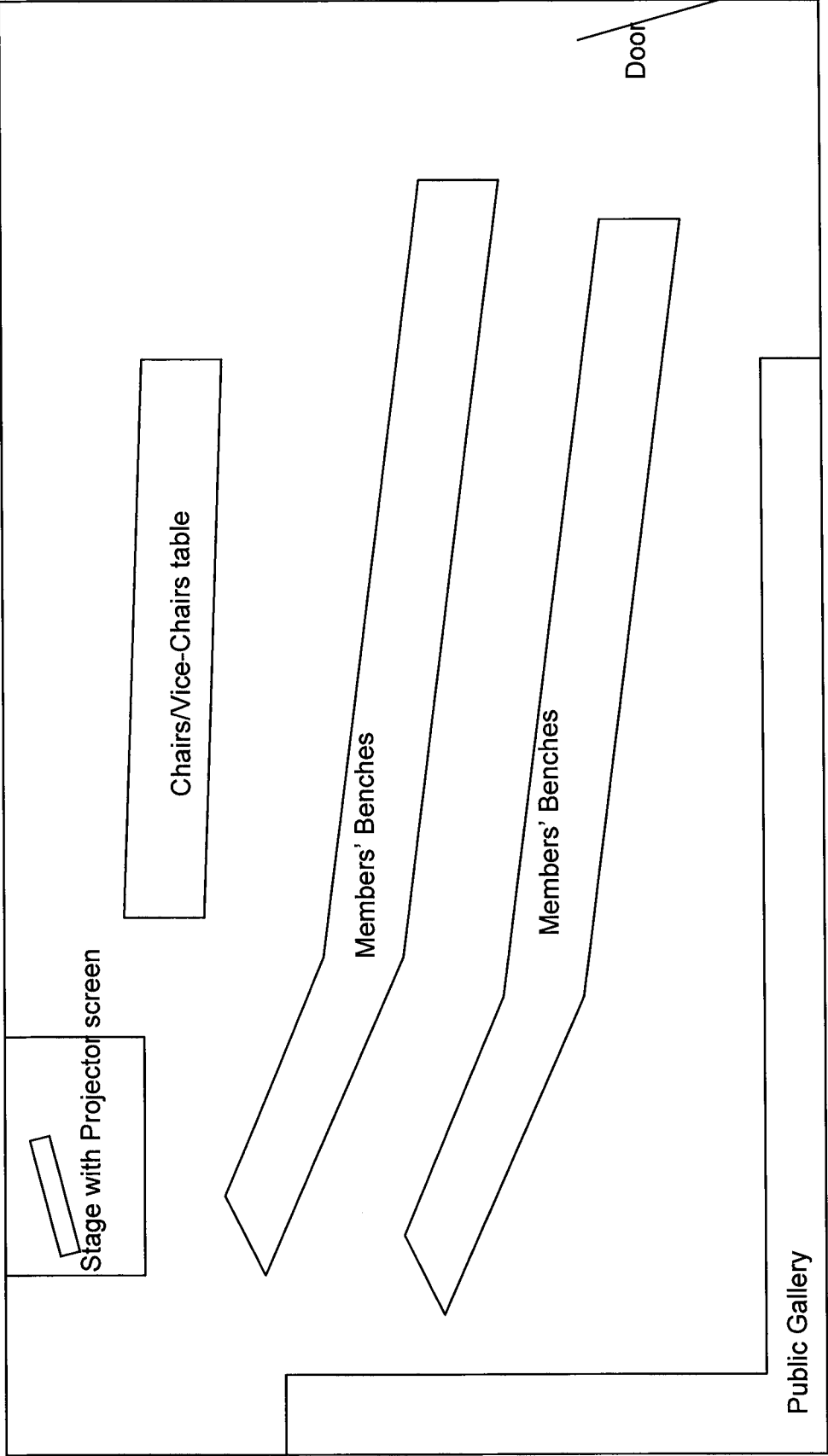
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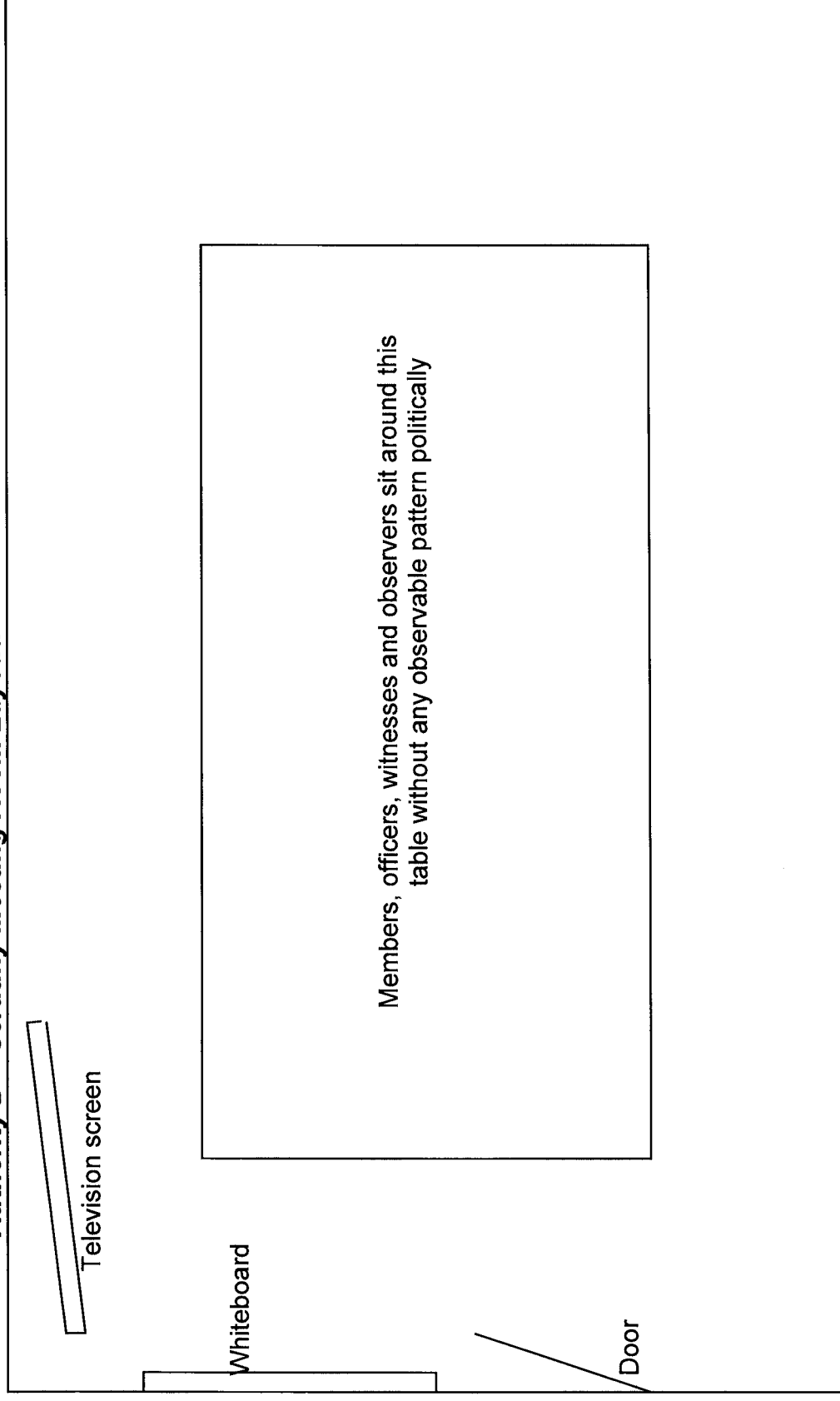
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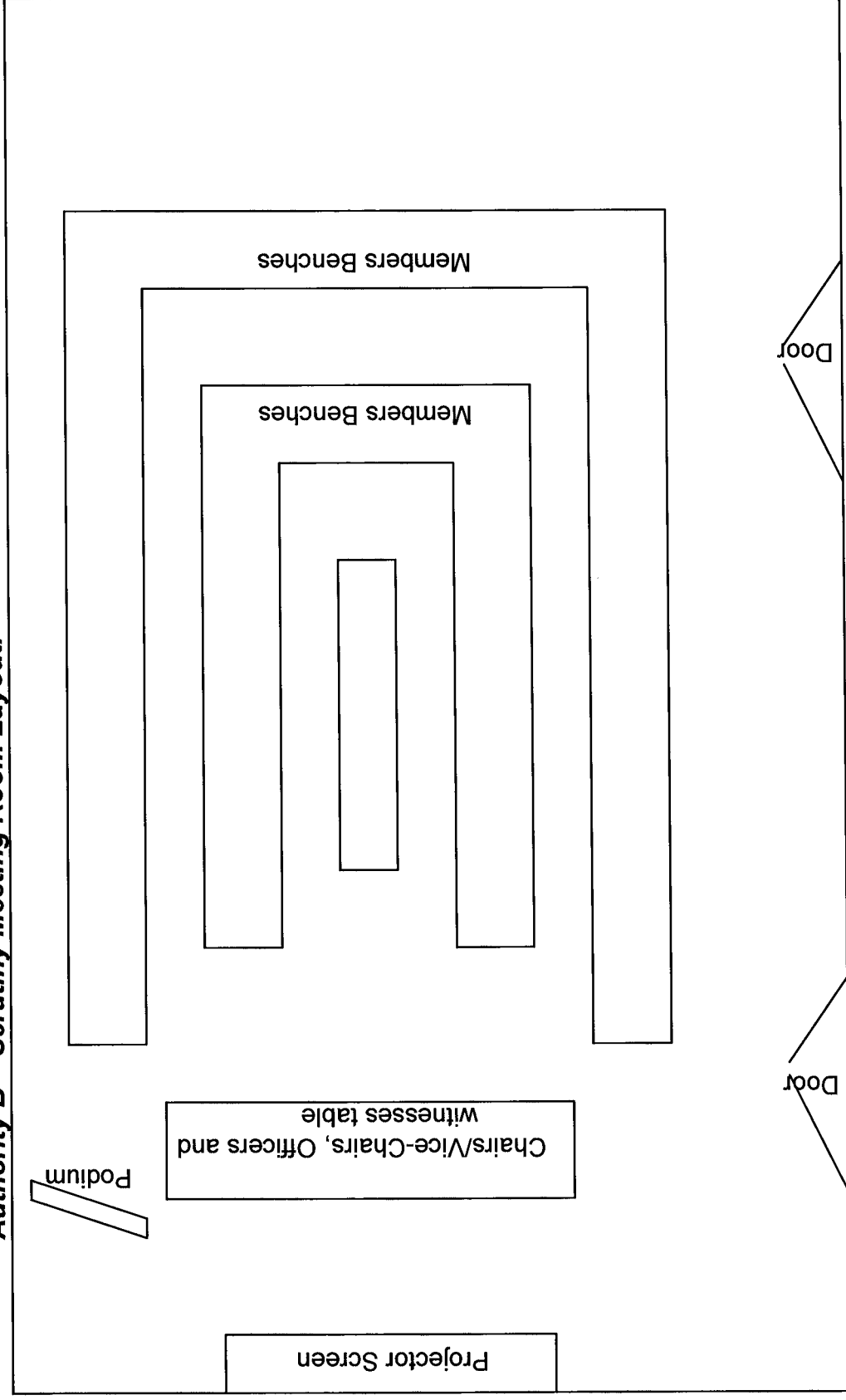
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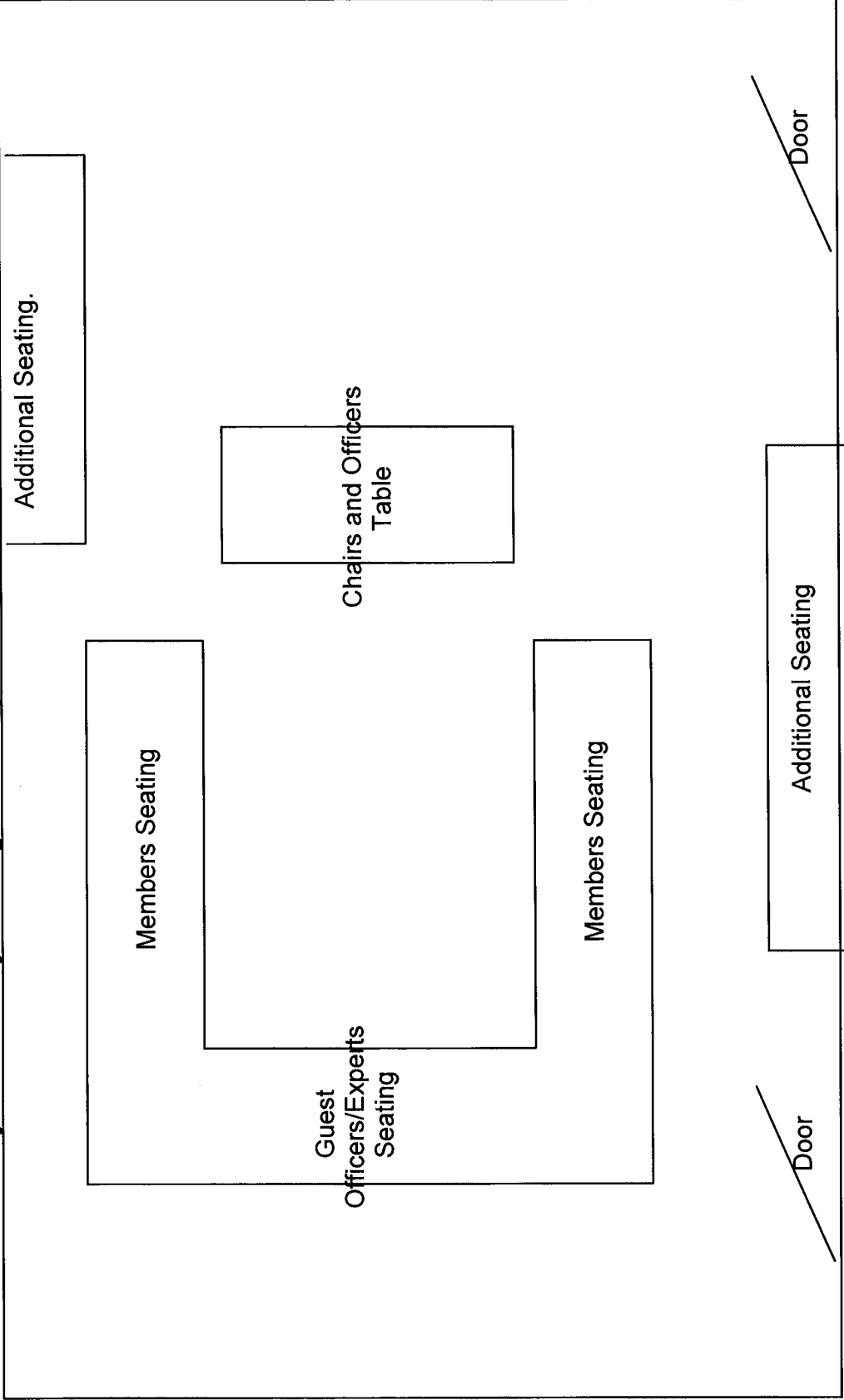
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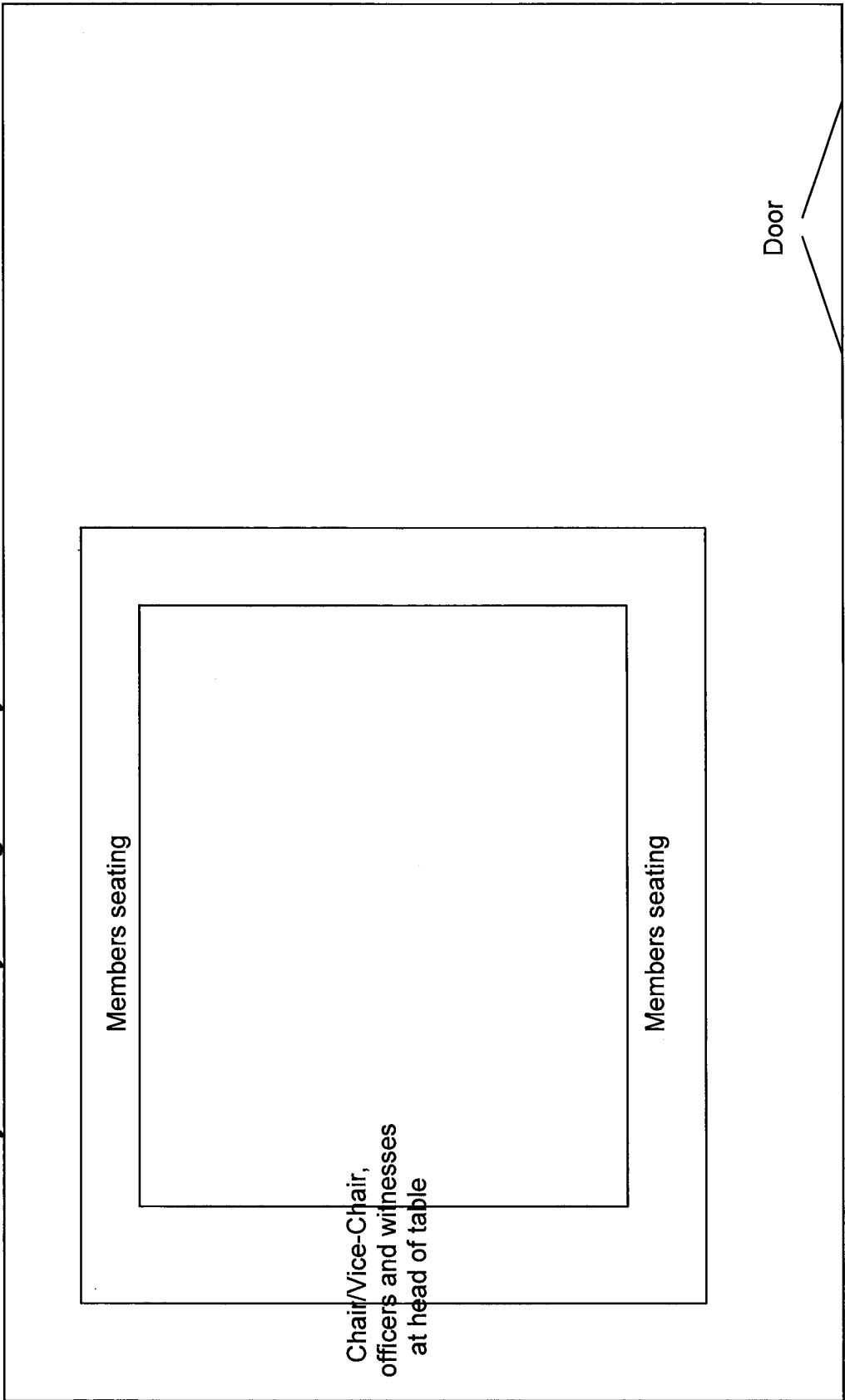
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